

MANUFACTURED HOME PARKS HANDBOOK

FROM THE OFFICE OF
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This handbook explains the Minnesota laws concerning manufactured home park residents and park owners. A right or privilege guaranteed by law cannot be waived. For specific advice or assistance, residents and park owners may contact the organizations listed at the back of this book beginning on page 26, or a private attorney.

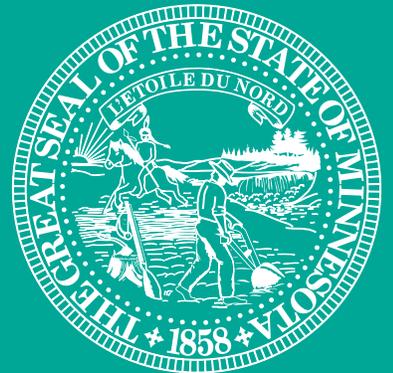
This brochure is intended to be used as a source for general information and is not provided as legal advice.

The Manufactured Home Parks Handbook is written and published by the Minnesota Attorney General's Office. This handbook is available in alternate formats upon request.

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preview the publications
at www.ag.state.mn.us.

Purchasing a Manufactured Home —

Licensing and Bonding of Dealers and Manufacturers

Manufactured home dealers must have a license, surety bond, and liability insurance. The license must be prominently displayed on the premises. Banks, savings and loans associations, real estate brokers, and businesses that repossess manufactured homes are not required to have a license or a bond.

The Commissioner of the Department of Labor and Industry licenses people who meet the application, bond, and insurance requirements. Certificates are issued by the Commissioner to anyone who is granted a license. The Commissioner may deny, suspend, or revoke any license if the licensee or any of its directors, officers, general partners, or affiliates violates the applicable law.

Warranties

Every new manufactured home sold in Minnesota has an implied warranty that the home conforms to applicable federal and state laws. Every new manufactured home also has an implied warranty of merchantability and fitness for permanent housing in Minnesota's climate. Manufacturers or dealers may also make express warranties on a manufactured home, but they cannot limit any implied warranties.

Warranties are valid for one year from the date the new home is delivered to the consumer. When a homeowner wants to make a claim covered by either an express or implied warranty, the homeowner must notify the dealer, or the manufacturer, within a reasonable time after discovering the problem, but no later than 90 days after the expiration of the warranty. Either the manufacturer, or the dealer, or both of them working together, must repair the manufactured home at its site within a reasonable amount of time after receiving notice from the owner.

Building Codes

Prior to 2010, Minnesota law prohibited the sale of *any* manufactured home that did not comply with the Manufactured Home Building Code. In 2010, the Legislature amended the law to provide that only the sale of *new* manufactured homes must comply with the Manufactured Home Building Code. The Legislature further changed the law in 2010, and again in 2011, to require that a person may not sell or install for occupancy a

Manufactured home dealers must have a license, surety bond, and liability insurance.

used manufactured home, manufactured after June 14, 1976, unless the used manufactured home complies with the “Notice of Compliance Form” required by law. The Notice of Compliance Form must be signed by the seller and purchaser, indicate which party is responsible for either making or paying for any necessary corrections prior to the sale and transferring ownership of the manufactured home, and must be substantially in the format as found on the Notice of Compliance Form found on pages 36 and 37 at the back of this publication.

It is a misdemeanor to alter a certified manufactured home manufactured after June 14, 1976, so that it violates building codes. It is also a misdemeanor to install a manufactured home at a site of occupancy which does not comply with applicable Minnesota statutes or with the manufactured home installation rules, Minnesota Rules chapter 1350.

The Commissioner of the Department of Labor and Industry enforces the manufactured home installation rules. The Commissioner may:

- Charge reasonable fees for inspections, seals, and other enforcement costs.
- Adopt rules governing the installation of manufactured homes.
- Adopt rules governing the construction, installation, and certification of manufactured home accessory structures (this means any factory-built building or structure that is an addition or supplement to a manufactured home).

A person who fails to correct a Manufactured Home Building Code violation within 40 days of being ordered to do so is guilty of a misdemeanor. Additionally, anyone who violates any of these laws is liable to the State of Minnesota for a monetary penalty up to \$1,000 for each violation, not to exceed \$1,000,000.

Tire and Axle Scam

Often companies will go through a manufactured home park offering to buy tires and axles from residents. A resident should be careful, it may be illegal to sell them. It could also create problems, such as moving the home in the future or buying replacements. Finally, a chance exists that the company will move on and leave the resident without compensation or goods.

It may be illegal for residents to sell the tires and axles of their manufactured homes.

Duties of the Park Owner and Manager

Park owners and their designated managers must perform specific duties required by state law. Duties include being licensed, complying with state law and local ordinances, and properly maintaining the park.

License

A manufactured home park owner must have a license from the Minnesota Department of Health. This license must be conspicuously displayed in the office of the manufactured home park.

A park owner or manager must apply for this license and the Department of Health must inspect the manufactured home park and grant a license if all requirements are met.

If the Commissioner of the Department of Health denies a license application, the park owner or manager may appeal the decision. The person who is appealing the decision must request a hearing by notifying the Commissioner within 20 days after receipt of notice of the proposed denial of the license.

Compliance with Health Regulations

The Department of Health has adopted rules governing manufactured home parks, Minnesota Rules chapter 4630. The Department of Health has the authority to enforce these rules and related statutes according to the Health Enforcement Consolidation Act. **If a person is injured, or threatened with injury because a health or safety rule is violated, the person may contact the Department of Health to file a complaint.**

The Department of Health can require the park to comply, or assist the park in correcting the violation. An injured person may also file a private lawsuit.

Attendant

An owner or attendant must maintain the park, facilities, and equipment. If the park contains more than 50 lots, the park owner or the attendant must be available at all times in case of emergency.

Storm Shelters and Evacuation

Storm shelters or evacuation plans provide residents with access to safe shelter in cases of bad weather. Storm shelter plans vary depending on the size of a park and when the park was originally licensed.

If a person is injured, or threatened with injury because a health or safety rule is violated, the person may contact the Department of Health to file a complaint.

Parks with fewer than ten homes must provide either a shelter on the premises or a plan for evacuation to a nearby shelter. The plan or shelter should be developed with the assistance and approval of the park's local municipality.

Parks with ten or more homes, licensed prior to March 1, 1988, must provide either a shelter on the premises, or evacuation plans to a storm shelter close to the park. The shelter or evacuation plan must have been approved by the park's local municipality by March 1, 1989, and a copy submitted to the Department of Health. The park owner must give all residents a copy of the evacuation or shelter plan. Parks with ten or more homes, licensed after March 1, 1988, must provide a storm shelter within the park.

Shelters constructed after March 1, 1988, must comply with the state building code. The Department of Labor and Industry enforces the state's building code and has jurisdiction over the proper construction of storm shelters. The Department of Health has jurisdiction over whether the shelter or shelter plan is adequate to meet the needs of park residents. Page 26 of this brochure lists contact information for these departments..

Drains, Water Supply, and Lots

Manufactured home parks must be well drained and have an adequate supply of safe water. The park must make sure homes are properly placed within the park, and the lots are divided correctly.

Tenant's Remedies

Residents of a manufactured home park are generally afforded the rights of residential tenants under Minnesota law. **Likewise, residents in a manufactured home park may form a "resident association," which is organized for the purpose of resolving matters relating to living conditions in the manufactured home park.**

In most situations, a tenant or resident association may request that the Minnesota Department of Health conduct an inspection for code violations. Thereafter, the inspector must notify the tenant or resident association in writing of any code violations, and provide the park with a reasonable period of time to correct the violations. If the violations are not corrected, a tenant or resident association may bring an action in district court in the county where the violation exists. The owner must be informed in writing at least 14 days before the tenant or resident association may take action. In general, the issues raised in the complaint will be tried to the court without a jury

Residents in a
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approximately 7 to 14 days after the action has been filed. If the court finds that a violation has not been remedied, the court may issue an order requiring corrective action, as well as including a judgment against the owner for reasonable attorney's fees, not to exceed \$500.

If the violation is a case of emergency (i.e., loss of running water, hot water, heat, electricity, sanitary facilities, or other essential services), then a resident or resident association can file an emergency relief proceeding. The resident or resident association must make reasonable efforts to notify the owner of the emergency relief proceeding at least 24 hours in advance.

Rental Agreements

Requirements of a Rental Agreement

The lease, or rental agreement, is the contract between the park owner and the resident. Leases are always negotiable. But, remember, any negotiations must take place before the lease is signed by either party.

A copy of the rental agreement, the notice required by state law, and the written procedures and criteria used to evaluate a prospective tenant, must be given to an applicant to review before the applicant is asked to sign them. (Text of the required notice can be found on page 35.) The notice required by state law must also be posted in a conspicuous and public location in the park.

A rental agreement must meet the following criteria:

- It must be in writing.
- It must be signed by the resident and the park owner or the owner's designated person.
- It must specify the terms and conditions of the rental of the lot, including:
 - The location of the lot and its address or site number;
 - The amount of rent per month and a statement of all personal property, services, and facilities that the park owner agrees to provide to the resident;
 - The rights, duties, and obligations of the parties, and all rules applicable to the resident;
 - The amount of any security deposit or other financial obligation imposed on the resident by the park owner; and
 - The name of any person holding a security interest in the resident's home.

A copy of the rental agreement, the notice required by state law, and the written procedures and criteria used to evaluate a prospective tenant, must be given to an applicant to review before the applicant is asked to sign them.

Park owners are required to give each resident a signed copy of the rental agreement.

Serving Notice

When a park owner must give notice to residents, the following are considered “proper notice”:

- Personal service.
- 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 effective even if the resident refuses delivery.)

Park Rules

A park “rule” is any rental agreement provision, regulation, rule, or policy established by a park owner to control or affect the behavior of residents. There are proper rules and unreasonable rules:

Proper Rules

Under Minnesota law, park leases, rules, and regulations must:

- Be written in plain language.
- Be reasonable. A “reasonable rule” is one that:
 - Promotes the convenience and safety of the residents. It also promotes the good appearance and efficient operation of the park, protects the park premises, and fairly distributes services and facilities.
 - Relates to the purpose for which it is adopted.
 - Is not retaliatory or discriminatory in nature.
 - Informs residents of acceptable and unacceptable behavior.

Unreasonable Rules

Unreasonable rules are not allowed. Unreasonable rules include (but are not limited to) the following:

- Prohibiting a resident from putting a reasonably-sized “for sale” sign on their home.
- Requiring a resident to use the services of a particular dealer or broker for an in-park sale.

A park “rule” is any rental agreement provision, regulation, rule, or policy established by a park owner to control or affect the behavior of residents. There are **proper rules** and **unreasonable rules**.

- Requiring a resident or prospective resident to buy goods or services from a particular vendor—including the park owner.
- Requiring more than one occupant of a home to have an ownership interest in that home.

Changes to Park Rules

A park can change or modify its rules, but the law requires that:

- **The park give residents 60 days written notice before the changes take effect.**
- All changes be reasonable.
- Any new rule that “substantially modifies” previous policies can only be enforced against new residents.

Substantial Modifications to Park Rules

A substantial modification is a rule change that:

- Significantly diminishes or eliminates the park owner’s material obligations.
- Significantly limits residents’ rights, privileges, or freedom of action.
- Involves a significant new expense for a resident.

If a new rule does not “substantially modify” a rule that was in effect when a resident signed a lease, the new rule is enforceable.

The following rule change is an example of a substantial modification:

- A security deposit increase.

The following are examples of rule changes that are not substantial modifications:

- A reasonable rent increase with 60 days written notice and no more than two rent increases in 12 months. (A reasonable rent increase is not a “rule” by definition.)
- A rule change required by government action.
- A rule change requiring all residents to maintain their homes, sheds, and other property in good repair and safe condition.
- A rule change requiring total replacement of a resident’s home, shed, or other property if repair is impractical, and total replacement is necessary.

A park may attempt to evict a resident for violating a new or amended rule. A court may consider the following factors when deciding if a new rule is a substantial modification or not:

- Any new circumstances that have occurred since the original rule was adopted that make a rule change necessary.

A park must give residents 60 days before changing or modifying its rules.

A park's owner or employees may only enter a resident's home to respond to an emergency or to prevent damage to the manufactured home park.

- Any new benefits that residents receive because of the rule change.

If a court finds the rule reasonable, and not a substantial modification of the original agreement, the court will order the resident to comply with the rule within ten days. If the resident does not comply, or violates the rule again, the resident may be evicted. (See page 14 for eviction information.)

Illegal Rules

Parks cannot make rules that unreasonably conflict with the following rights of residents:

- **Privacy of a resident's home.**

A park's owner or employees may only enter a resident's home to respond to an emergency or to prevent damage to the manufactured home park.

The park owner or employees may come onto a manufactured home park rental lot to inspect the lot, to supply necessary or agreed upon goods, services, or repairs, or to show the lot to buyers, residents, workers, contractors, or mortgagees.

Except in the case of an emergency, the park owner or employees cannot come onto a lot at unreasonable times, or in a way that unreasonably disrupts the resident's use and enjoyment of the lot.

- **Guests and additions to a household.**

The park cannot require a resident to pay a fee for guests or additions to the household.

The park can set reasonable limits on the number of people who may permanently live in a manufactured home if the limit is reasonably related to the home's size and the number of rooms it contains.

- **Freedom of expression.**

The park cannot prohibit a resident or anyone else from peacefully organizing, assembling, canvassing, or distributing leaflets in the park for non-commercial purposes. But, just like a municipality, the park can set reasonable limits on the time, place, and manner of these activities. Also, the park can prohibit commercial activities in the park, such as selling products door-to-door.

Fees

Illegal Fees

The park cannot charge any fees based on:

- The number or age of the people who are living or staying with a resident.
- The type of personal property, such as a washer or dryer, that a home contains.
- The size of a home.
- The fact that a home is temporarily vacant.

The law does not prevent a park owner from reducing or eliminating the rent for a resident with special needs.

Legal Fees

Manufactured home parks may charge the following fees:

Rental fees

The park may charge a basic lot rental fee that is the same for all park households. The park is allowed to charge extra for:

- A larger lot.
- A better location.
- Special services or facilities provided by the park.
- Each pet a resident owns.
(Up to \$4 per month may be charged per pet.)
- Late rent, if this is specified in the rental agreement.

The park must give residents 60 days written notice of any rent increase. The park cannot increase the rent more than twice in 12 months. Also, a rent increase is not valid if its purpose is to pay civil or criminal penalties imposed on the park owner by a court or government agency.

Security Deposits

The park may require a security deposit of up to two months' rent. By giving this deposit to the owner, the resident is providing a guarantee that the resident will comply with the rental agreement. The deposit also protects the park owner from damage caused by the resident, including damage that may occur during installation or removal of the home. After the original security deposit is agreed upon, the security deposit may not be increased. This would be a substantial modification of the original rental agreement and would not be enforceable.

The park must give residents 60 days written notice of any rent increase. The park cannot increase the rent more than twice in 12 months.

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When a resident moves, the resident must leave a forwarding address with the park. The park has 21 days to return the resident's entire deposit, plus one percent interest, or send the resident a letter explaining why some, or all, of the security deposit is being withheld.

The park may keep all, or part, of a resident's security deposit if the resident has not paid some of the rent owed or has damaged park property. If the resident does not agree with the park's reason for keeping the deposit, the resident may sue the park owner in Conciliation Court to recover the money. (The Minnesota Attorney General's Office publishes a free guide titled *Conciliation Court: A User's Guide to Small Claims Court*. Contact the Office to order a copy.) In court, the park owner must justify withholding the security deposit.

If the judge decides the owner knew it was wrong to withhold the money (called acting in "bad faith"), then the resident may be awarded the amount withheld, plus damages up to the amount withheld and up to \$500 in additional other damages.

If a park owner does not provide a written explanation for keeping the deposit, then the deposit must be returned to the resident within two weeks after the resident has filed a complaint in court or the court will presume the owner is acting in "bad faith."

The law does not allow residents to use their security deposit to pay rent. Those residents who do may be taken to court and may have to pay the park owner the amount of rent withheld plus a penalty. However, before the park owner can take a resident to court, the owner must give the resident a written demand for the rent and a notice that it is illegal to withhold it.

Utility Fees

The park may charge residents for utility services that the park provides. A "utility service" is defined as any electric, fuel oil, natural or propane gas, sewer, waste disposal, or water service. Unless the park owner has installed measuring devices that accurately meter each household's use of a utility, the park has to charge each household the same amount for the service.

Under Minnesota law, if a park owner provides a utility service, the park owner may charge no more than:

- The rate the resident could pay directly for the same utility service in that market area; or
- The rate charged within the same market area to single family dwellings.

There is one exception regarding electricity. If a park owner provides electricity to residents by reselling electricity purchased from a public or municipal utility or electrical cooperative, and would lose money by following rate guidelines, the park owner may charge a higher rate.

This exception allows the park owner to bill residents at a rate that allows the park owner to break even. However, the park owner may only charge residents the actual amount billed by the public utility or utility cooperative. Residents may not be billed for administrative, capital or other costs.

Installation and Removal Fees

The park may provide and charge for home installation and removal services. The park cannot require a resident to use these services unless the park offers them for free. If a resident hires the park to install or remove the resident's home, the contract for this service must be in writing.

Maintenance Fees

The park can charge a resident for a resident's lot maintenance if the work is required by the lease, park rules, or state or local law, and the resident does not do the work.

The park owner may do the maintenance and charge the resident a reasonable cost, plus a fee of up to \$10, if:

- Before doing the work, the park gives the resident written notice explaining what work needs to be done, why, and a deadline. The notice must explain that if the resident does not do the work by the deadline, the park will do the work and send the resident a written notice of the charge.
- Failure to do the required maintenance endangers park facilities or other residents. In this case the park owner may give the resident a written notice requiring immediate compliance. If delivery of the notice would be impractical or useless, the park owner may skip the written notice and charge the resident the reasonable cost of the work. The park owner has the same right to collect these charges as the owner has to collect rent owed by the resident.

A written notice for work done by the park must include:

- The work performed.
- The date the work was done.
- The total cost and the way in which this cost was computed.
- The deadline for the resident's payment (this cannot be less than 30 days after the notice is sent).

The park can charge a resident for a resident's lot maintenance if the work is required by the lease, park rules, or state or local law, and the resident does not do the work.

There are eight reasons a resident can be evicted from a manufactured home park.

Processing Fees

The park can charge an application processing fee, not to exceed \$25, to people who want to buy a home from a park resident and want the home to remain in the park.

Under Minnesota law a park is prohibited from charging any other “entrance” or “transfer” fees for the right to become a park resident, or for the right to sell or buy a manufactured home already located in the park.

Eviction

Actions For Which a Resident May Be Evicted

There are eight reasons a resident can be evicted from a manufactured home park. Minnesota law allows a park to ask a resident to move for the following reasons:

- 1. A resident is late paying rent or utility charges owed to the park.** The park has to give the resident, and anyone the park knows has a mortgage on the resident’s home, a written notice ten days before taking action. Either the resident or the mortgage-holder must pay the amount due within the ten days, or the park can ask the resident to move.
- 2. A resident fails to comply with a law or government rule relating to manufactured home parks.** The park must write to the resident and explain what the resident is doing wrong. The resident must then begin obeying the law or regulation within the time allowed or within a reasonable amount of time.
- 3. A resident breaks the terms of the lease or the park’s rules.** The park must provide a resident with written notice of the problem specifying the date, time, and nature of the alleged rule violation. The resident must comply with the lease or rules within 30 days after receiving the written notice. This 30-day time frame does not apply to nonpayment of rent. Nonpayment of rent requires compliance within ten days after the resident receives written notice.
- 4. A resident repeatedly breaks important terms of the lease or park rules, or repeatedly breaks laws or governmental rules relating to manufactured home parks.** The park has to give a resident written notice of the violations and a written warning that any future violation could result in eviction. If the resident commits a violation within six months of receiving the notice, the park can ask the resident to move immediately.

For example, if a resident breaks important park rules, gets a 30-day warning, obeys the rules for 30 days, breaks the rules again, and gets another warning, then the park may give the resident written notice that future violations will be cause for eviction. If the resident then commits another serious violation within six months, the park can ask the resident to move.

5. A resident does something in the manufactured home park that endangers other residents or park personnel, seriously damages park property, or substantially annoys other residents. The park can give a resident written notice and ask the resident to move within 30 days. The notice must state the time, date, and nature of the annoyance, damage or endangerment. The park may ask a resident to move immediately if the resident again endangers or substantially annoys people or seriously damages park property after the resident has received the 30-day notice. The park owner does not need to produce evidence of a criminal conviction to evict a resident.

6. All or part of the manufactured home park is going to close.

The owner must give residents nine months advance notice before the park will close. The park owner has additional responsibilities to residents when closing a park. If part of the park will remain open, a resident has the right to move within the park, providing a lot is available and the home fits the size and zoning of the lot.

If the park is converting to a condominium, residents have additional rights under Minnesota law. The nine-month advance notice must tell residents the park is closing to convert to a condominium. Additionally, 120 days before the end of the nine months, the park owner must serve residents with a purchase agreement and provide residents with the option to purchase their lots. Subject to certain limitations, these provisions do not apply to the conversion of a manufactured home park to a cooperative incorporated under Minnesota Statute Chapters 308A or 308B. Condominium sales are governed by Minnesota Statute § 515A.4-110.

7. The park owner is making improvements to the park that will substantially benefit the health and safety of the residents and it is necessary to remove a resident's home to complete the work. The park must give residents who will be affected written notice 90 days before work will begin. This notice must explain how the improvements will benefit the residents. Residents have the right to move within the park, if the homes fit the size and zoning of the available lots.

The park must follow certain steps prior to evicting a resident.

There are four defenses a resident can use to respond to a park owner's eviction action.

8. A resident gives false information in the lease application.

The park can ask a resident to move if the resident has given false information in the lease application. However, a park may only evict residents for this reason if the park acts within one year of the date the resident started to pay rent.

If the park asks a resident to move, but the resident feels he or she has a legal right to stay, the resident can refuse to move. In order to evict a resident, the park must go to court. If the court decides in favor of the park, the court will order the resident to move.

Defenses to Eviction

There are four defenses a resident can use to respond to a park owner's eviction action. These include:

1. A resident being evicted for nonpayment of rent has a defense if the money owed is being charged illegally by the park owner.
2. A resident being evicted for nonpayment of rent has a defense if a park owner did not give proper notice of a rent increase, or increased the rent more than two times in 12 months.
3. A resident being evicted due to a rule violation has a defense if the rule is unreasonable.
4. A resident may use the landlord's retaliation as a defense in an eviction action.

Right to Redemption

A resident has a right to redemption up to two times each year. This means a resident evicted for nonpayment of rent may stay in the park if the resident pays all money owed to the park, including rent, with interest, cost of the action, and an attorney's fee of \$5.

Eviction Proceedings

To evict a resident, a court must issue a "Writ of Restitution," or a "Conditional Writ." These writs provide different timelines for eviction:

- Under a Writ of Restitution, a resident must be allowed a reasonable period of time (up to seven days) to arrange to remove the resident's home from the lot.
- Under a Conditional Writ, a resident must be allowed to reside in the park for a reasonable period (up to seven days). However, the resident's home is allowed to remain on the lot for 60 days to allow for an in-park sale of the home.

Parks Cannot Retaliate

A park owner cannot retaliate against a resident for making a good faith effort to exercise the resident's rights. The park cannot increase rent, decrease services, change the rental agreement, evict the resident, or threaten to do any of these things simply because a resident has:

- Complained in good faith to the park owner or to a government agency or official.
- Attempted in good faith to exercise rights under the lease, park rules, or any law or government rule.
- Participated in the activities of a resident association. Resident associations are organized for the purpose of resolving matters relating to living conditions in the park.

If the park tries to evict a resident within 90 days after the resident has taken any of these actions, the park has to prove in court that the eviction was not retaliatory. Even after 90 days have passed, if the resident can show evidence that the reason for the eviction is retaliation, the burden is on the park to prove otherwise.

In-Park Sale of a Manufactured Home

An in-park sale occurs when a resident sells the his or her home to a buyer who wants the home to remain in the same park. A resident has the right to sell the home within the park regardless of the home's age.

The park cannot:

- Charge more than a \$25 application processing fee when a resident wants to sell a home within the park.
- Require a resident to sell the home to the park.
- Require a resident to use the park as a listing or selling agent.

If a park owner is licensed as a dealer, a park owner may agree in writing to broker the in-park sale of a resident's home.

The park can:

- Charge up to \$25 for processing a prospective buyer's application to become a resident.
- Allow a home to remain vacant for 90 days or longer as specified by park rules.
- Require rent to be paid on time and the lot to be properly maintained.
- Approve a buyer as a resident.

A park owner cannot retaliate against a resident for making a good faith effort to exercise the resident's rights.

The park has the right to approve a buyer as a resident.

When selling a home through a broker, the broker must be a licensed manufactured home dealer or a licensed real estate broker.

A resident can sell the home they own and live in. If a home or lot does not meet existing park rules, the park can require the owner to follow the rules before the park approves the sale of the home.

The park owner may require a prospective buyer to agree to rules different from those that applied to the resident who is selling the home. However, the park owner cannot enforce any rule adopted or amended after the resident entered into the rental agreement that would:

- Significantly increase the difficulty or time involved in selling the home.
- Significantly decrease the price at which the home can be sold.
- Involve any other significant cost for either the resident or buyer, except the cost to bring the home into compliance with preexisting maintenance rules.

However, if a home, shed, or other structure has become so dilapidated that repair is impractical and total replacement is necessary, the park may require replacement by the resident or prospective buyer in accordance with a generally applicable rule adopted after the resident initially entered into an agreement with the park.

Park's Approval of a Buyer for Residency

The park has the right to approve a buyer as a resident.

The seller must tell the prospective buyer, in writing, that the sale is subject to final approval by the park.

When the prospective buyer seeks to become a resident, the park owner may require the prospective buyer to submit certain information. The required information may include:

- The purchase price of the home.
- The amount of monthly payments on the home.
- Any relevant documentation necessary to verify the information.
- The creditworthiness of the prospective buyer.

The park must comply with the following when processing a buyer's application:

- The park must explain, in writing, its decision-making process for approving or rejecting new residents.
- The park must make copies of this explanation available without charge and include a copy with rental applications.

- The written policies for approving or rejecting residents must be reasonable and apply uniformly to all applicants.
- If the park owner requires a personal interview, the park owner must be available for interviews at reasonable times.
- The park must make a decision within 14 days after receiving the buyer’s completed application. If a delay occurs, the park must give the seller and the buyer a written explanation and make a decision as soon as possible.
- The park cannot be any stricter in approving a prospective buyer than it is in approving other prospective residents.
- If the park denies a buyer’s application, the denial must be reasonable. The park owner cannot deny residency to a prospective buyer for any reason prohibited by federal, state, or local law.
- If a buyer gives the park a written request for an explanation of the park’s decision, the park must provide it within three days.

Safety Disclosure and Repairs

The Legislature repealed the law that previously required the seller of a manufactured home within a park to provide a “safety feature disclosure form” to any prospective buyer. Sales of used manufactured homes manufactured after June 14, 1976, must comply with the “Notice of Compliance Form” found on pages 36 and 37 of this publication.

Repossession

A manufactured home can be repossessed under the following circumstances:

- If the resident-owner defaults on the security agreement for the manufactured home;
- If the resident-owner defaults on another security agreement for which the manufactured home has been used as collateral; and
- If the owner who does not reside in the home defaults on the security agreement for the manufactured home.

A secured party may commence repossession of a manufactured home by personally serving upon, or by sending by certified or registered United States mail and concurrently sending a copy of the notice by first class mail to the occupant of the manufactured home a notice and, if the occupant is not the debtor, by sending a registered or certified letter to the last known address of the debtor under the security agreement. The notice must set forth the circumstances constituting the default and state that the secured party will, at the expiration of a 30-day period following receipt of the notice,

A manufactured home can be repossessed under certain circumstances.

seek a court order removing the occupant from the manufactured home and repossessing the manufactured home, unless the debtor or the occupant acting on behalf of the debtor cures the default prior to that time. The notice of default must contain the following language: “Your loan is currently in default. Contact us immediately at [insert phone number] to discuss possible options for preventing repossession. We encourage you to seek assistance from the foreclosure prevention counseling program in your area. Nearby community agencies will answer your questions, offer free advice, and help you create a plan. You can contact the Minnesota Home Ownership Center at 651-659-9336 or www.hocmn.org to get the phone number and location of the nearest foreclosure prevention organization. Call today. Waiting limits your options. IF YOU DO NOT BECOME CURRENT ON YOUR LOAN WITHIN 30 DAYS, WE WILL SEEK A COURT ORDER REPOSSESSING THE HOME, AND BY COURT ORDER YOU WILL HAVE TO VACATE THE HOME.”

A debtor, or an occupant of a manufactured home acting on behalf of a debtor, may within the 30 day period, cure a default by tendering full payment of the sums then in arrears under the terms of the security agreement, or by otherwise remedying the default, and by paying the reasonable costs, not to exceed the sum of \$100, incurred by the secured party to enforce the security agreement. Cure of a default shall suspend the secured party’s right to seek repossession of the manufactured home.

In addition, if the debtor does not cure the default within the 30-day period, the secured party must also send a registered or certified letter and concurrently send a copy of the notice by first class mail to the occupant of the home and, if the debtor is different than the occupant, to the debtor, stating that the debtor has 30 days to reinstate the loan by paying the defaulted amount plus additional allowable fees incurred by the secured party in order to regain possession of the home.

The reinstatement notice shall contain, at a minimum, the following information:

1. The name of the secured party, the debtor, each current assignee of the loan, if any, and the original or maximum principal amount secured by the loan;
2. The date of the loan;
3. The amount in arrears on the loan as of the date of the notice;
4. A description of the manufactured home upon which the loan is secured; and

Arrears: money not paid when due, usually the sum of a series of unpaid amounts, such as rent, installments on an account or promissory note, or monthly child support.

5. The amount of allowable fees incurred by the secured party in order to regain possession of the home prior to the court order.

The reinstatement notice must also include the following language: “Your manufactured home is currently being repossessed. Contact us immediately at [insert phone number] to discuss possible options for reinstating your loan. We encourage you to seek counseling with the foreclosure prevention counselor in your area. Nearby community agencies will answer your questions, offer free advice, and help you create a plan. You can contact the Minnesota Home Ownership Center at 651-659-9336 or www.hocmn.org to get the phone number and location of the nearest counseling organization. Call today. Waiting limits your options. If you do not become current on your loan within 30 days, including any additional fees, you will no longer be entitled to reinstate your loan. We are seeking a court order repossessing the home, and by court order you will have to vacate the home.”

Except in cases of voluntary repossession, upon expiration of the 30-day period specified in the notice of default, a secured party must apply to the district court in the county in which the manufactured home is located for an order directing the seizure and delivery of the manufactured home, so long as the right to reinstate has not been exercised. The exercise of the right to reinstatement suspends the secured party’s right to seek repossession of the manufactured home and shall immediately terminate any court action filed.

The party repossessing the home has the right to sell the home through an in-park sale if the following conditions are met:

- After repossessing the home the secured party must notify the park owner that the home has been repossessed.
- The park owner must receive this notice before the park owner has begun eviction proceedings.
- The secured party must pay up to three months of the resident’s past due rent. This liability for past rent does not include late fees.
- The secured party must make monthly rent payments until the park owner approves a buyer for the repossessed home.
- The secured party must comply with all park rules relating to lot and home maintenance.

A secured party offering a home for an in-park sale may be evicted for the same reasons a resident could be evicted.

To repossess a home, the reposessor must bring the resident to court in the county where the home is located, rather than any county the reposessor might choose.

The party repossessing the home has the right to sell the home through an in-park sale if certain conditions are met.

A park owner must follow certain steps before closing a park.

Removal of a Home After Repossession

When a secured party repossesses a manufactured home and removes the home from the park, the secured party owes the park owner rent for the period beginning with repossession and ending on the last calendar day of the month the home is removed. However, the secured party would not owe past due rent prior to the time the secured party accepted voluntary repossession or took action if:

- Within seven days after accepting repossession, the secured party notifies the park owner in writing that the home is being repossessed.
- The secured party pays each month's lot rent as it becomes due.
- The secured party removes the home from the park within seven days after repossessing it.

If the secured party fails to meet any of these conditions, the secured party would owe the park owner up to three months of past due rent, excluding late fees or other charges.

Park Closing

A park owner must follow certain steps before closing a park.

The park owner must provide a "closure statement" to the commissioners of health and the housing finance agency, the local planning agency and each resident at least nine months before the planned closing. The "closure statement" says the park is closing, lists replacement housing within 25 miles of the park, and gives cost estimates for moving homes from the park. The "closure statement" must include the following language in a font not smaller than 14 point: "YOU MAY BE ENTITLED TO COMPENSATION FROM THE MINNESOTA MANUFACTURED HOME RELOCATION TRUST FUND ADMINISTERED BY THE MINNESOTA HOUSING FINANCE AGENCY."

A public hearing will be held to review the closure statement and determine the impact of the park closing. The municipality must mail residents a notice, at least ten days before the hearing, stating the time, place, and purpose of the hearing. Residents may not be required to move until 60 days after the conclusion of the public hearing. At the time of the public hearing, displaced residents must be informed that they may be eligible for payment from the Minnesota Manufactured Home Relocation Trust Fund as compensation for reasonable relocation costs. In some instances, the municipality may have other parties, including the municipality, pay relocation costs for the displaced residents. A "displaced resident" includes

residents and members of the resident's household as of the date the closure statement is submitted.

If a person purchasing a manufactured home park intends to close or change it within one year of the purchase agreement, the person must notify the park owner in writing. The park owner must then give each resident a 45-day notice of the purchaser's intent to close or convert the park. The 45-day written notice must:

- State the park owner will provide information on the price, terms, and conditions of the buyer's offer.
- Be sent by first class mail to all residents.
- Indicate that the notice to residents begins on the postmark date and runs for 45 days.

During the notice period, 51 percent of the residents in the park may work together to meet the buyer's cash price and purchase the park themselves to keep it as a manufactured housing community. The park owner must accept the counter offer from the residents if it meets the cash price of the first offer.

Notice of Sale

If a park owner is selling a manufactured home park and advertising it for sale through a publication, newspaper, or realtor, the park owner must, at the same time, give a written notice to all residents of the park. If time is required to sell the park, the owner is only required to provide residents with written notice once each year.

Minnesota Manufactured Home Relocation Trust Fund

If a homeowner is required to relocate due to the closure or conversion of a manufactured home park, the homeowner may be entitled to payment from the Minnesota Manufactured Home Relocation Trust Fund. Any such payment is equal to the actual relocation costs for relocating the manufactured home to a new location within a 25-mile radius, up to a maximum of \$4,000 for a single-section and \$8,000 for a multi-section manufactured home.

Relocation costs include the reasonable cost of taking down, moving, and setting up the manufactured home, including equipment rental, utility connection and disconnection charges, minor repairs, modifications necessary for transportation of the home, necessary moving permits and insurance, and moving costs for certain appurtenances.

If a homeowner is required to relocate due to the closure or conversion of a manufactured home park, the homeowner may be entitled to payment from the Minnesota Manufactured Home Relocation Trust Fund.

A manufactured homeowner is **not** entitled to recover from the Minnesota Manufactured Home Relocation Fund if they do not make an annual \$12 payment to the park owner when due.

Among other eligibility requirements, manufactured homeowners who rent lots in a manufactured home park must make an annual \$12 payment to the park owner when due each year. These payments must then be deposited by the park owner into the Minnesota Manufactured Home Relocation Trust Fund.

A manufactured homeowner is not entitled to recover from the Minnesota Manufactured Home Relocation Trust Fund if this annual \$12 payment is not made. In order to recover from the Minnesota Manufactured Home Relocation Trust Fund, a manufactured homeowner must submit the following materials:

- A copy of the closure statement;
- A copy of the contract with the moving contractor for relocation costs;
- A statement and supporting materials for any other permissible relocation costs;
- A statement certifying that certain exceptions to recovery do not apply;
- A statement from park owner that the lot rental is current and the manufactured homeowner made the annual \$12 payments when due; and
- A statement from the county certifying that personal property taxes for the manufactured home are paid through the end of that year.

Copies of these materials must be provided to a neutral third party appointed at the public hearing, the Minnesota Housing Finance Agency, and the park owner. If an application for relocation expenses is approved, the Minnesota Housing Finance Agency must pay the moving contractor directly in two payments, one for 50 percent of the contract price at the time the contract is signed, and the remaining 50 percent upon completion of the relocation and approval by the manufactured homeowner. A check is made payable to the manufactured homeowner for any other approved relocation costs.

If an owner cannot relocate the manufactured home due to its age or condition, or if there are no parks willing or able to accept the manufactured home within the 25-mile radius, the manufactured homeowner may still be eligible for recovery. The law allows the owner to tender title of the manufactured home to the park owner and collect an amount to be determined by an independent appraiser, up to a maximum of \$5,000 for a single-section, and \$9,000 for a multi-section manufactured home.

Resources

Glossary of Terms

Lot:

An area within a manufactured home park designed or used for a manufactured home.

Manufactured Home:

A structure that is not a part of real estate, and that has one or more sections that may be transported. The home (or a section of the home) has a width of eight body feet or more and a length of 40 body feet or more. On site the home is 320 square feet or more. The home must be built as a permanent chassis. The home may or may not have a permanent foundation. The home must be designed as a dwelling when connected to the required utilities.

Manufactured Home Park:

Any site, lot, field, or tract of land where two or more occupied manufactured homes are located, either free of charge or for compensation. This includes any building, structure, tent, vehicle, or enclosure used, or intended to be used, for the manufactured home park. This does not include facilities open three or fewer seasons each year.

Park Owner:

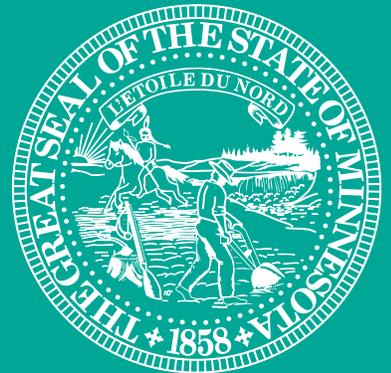
The owner of a manufactured home park or any person acting on behalf of the owner to operate the park.

Resident:

A manufactured homeowner who rents a lot in a manufactured home park. This includes all members of the resident's household.

Resident Association:

An organization formed to resolve matters related to living conditions in the manufactured home park. The organization must have written permission from at least 51 percent of the homeowners in the park to represent them.



Many agencies provide varying services to manufactured home park owners, managers, residents, and dealers.

General Resources

This section is designed to provide additional resources to manufactured home park owners, managers, residents and dealers. The following agencies provide varying services to those involved with manufactured home parks.

Minnesota Attorney General's Office

445 Minnesota Street, Suite 1400
St. Paul, MN 55101
651-296-3353 or 800-657-3787
TTY: 651-297-7206 or
TTY: 800-366-4812
www.ag.state.mn.us

Minnesota Department of Health

Environmental Health Services
Freeman Building
625 Robert Street North
P.O. Box 64975
St. Paul, MN 55164-0975
651-201-4500
www.health.state.mn.us

Minnesota Department of Labor and Industry

Construction Codes and
Licensing Division,
Manufactured Structures Section
443 Lafayette Road North
St. Paul, MN 55155-4341
651-284-5005 or 800-342-5354
www.doli.state.mn.us

All Parks Alliance for Change (APAC)

2380 Wycliff Street, Suite 200
St. Paul, MN 55114
651-644-5525 or 855-361-2722
allparksallianceforchange.org

Manufactured & Modular Home Association of Minnesota

33 East Wentworth Avenue,
Suite 265
West St. Paul, MN 55118
800-696-3721
www.mnmfghome.org

Minnesota Housing Finance Agency

400 Sibley Street, Suite 300
St. Paul, MN 55101-1998
651-296-7608 or 800-657-3769
www.mnhousing.gov

Minnesota Management and Budget

Minnesota Manufactured Home
Relocation Trust Fund
www.mn.gov/mmb/treasury-bonding/cash-management/mn_manufacture_home/

Better Business Bureau

220 S. River Ridge Circle
Burnsville, MN 55337
651-699-1111 or 800-646-6222
www.bbb.org

Conciliation Courts

Currently, claims of up to \$15,000 may be brought in conciliation court. You can obtain legal forms for conciliation court by calling or visiting the respective courthouse that you intend to file your claim in. Forms are also available online at www.mncourts.gov.

What Is Conciliation Court?

Conciliation court is often called “people’s court” or “small claims court” because its basic purpose is to help people recover relatively small sums of money without having to hire a lawyer. Conciliation court allows you to bring your legal disputes to a court without the hassles of confusing legal procedures and high costs. Court rules are generally simple and informal, and the cost of filing in conciliation court is low.

Conciliation Court Listings

Aitkin	218-927-7350	Freeborn	507-377-5153
Anoka	763-422-7350	Goodhue	651-267-4800
Becker	218-846-7305	Grant	218-685-8282
Beltrami	218-333-4120	Hennepin	612-348-2713
Benton	320-968-5205	Houston	507-725-5806
Big Stone	320-839-2536	Hubbard	218-732-5286
Blue Earth	507-304-4650	Isanti	763-689-2292
Brown	507-233-6670	Itasca	218-327-2870
Carlton	218-384-9108	Jackson	507-847-4400
Carver	952-361-1420	Kanabec	320-679-6400
Cass	218-547-7200	Kandiyohi	320-231-6206
Chippewa	320-269-7774	Kittson	218-843-3632
Chisago	651-213-8650	Koochiching	218-283-1160
Clay	218-299-5065	Lac qui Parle	320-598-3536
Clearwater	218-694-6177	Lake	218-834-8330
Cook	218-387-3610	Lake of the Woods	218-634-1451
Cottonwood	507-831-4551	Le Sueur	507-357-8256
Crow Wing	218-824-1310	Lincoln	507-694-1355
Dakota		Lyon	507-537-6734
(Apple Valley)	952-891-7242	Mahnomen	218-935-2251
(Hastings)	651-438-8234	Marshall	218-745-4921
(West St. Paul)	651-554-6200	Martin	507-238-3205
Dodge	507-635-6260	McLeod	320-864-1281
Douglas	320-762-3033	Meeker	320-693-5230
Faribault	507-526-6273	Mille Lacs	320-983-8313
Fillmore	507-765-4483	Morrison	320-632-0327

Claims of up to \$15,000 may be brought in conciliation court

The Attorney General's Office publishes a free guide titled *Conciliation Court: A User's Guide to Small Claims Court*. Contact the Office to order a copy.

Mower	507-437-9465	St. Louis	
Murray	507-836-1120	(Duluth)	218-726-2460
Nicollet	507-934-7850	(Hibbing)	218-262-0105
Nobles	507-372-8263	(Virginia)	218-749-7106
Norman	218-784-5458	Stearns	320-656-3620
Olmsted	507-206-2400	Steele	507-444-7700
Otter Tail	218-998-8420	Stevens	320-208-6640
Pennington	218-683-7023	Swift	320-843-2744
Pine	320-591-1500	Todd	320-732-7801
Pipestone	507-825-6730	Traverse	320-422-7752
Polk	218-281-2332	Wabasha	651-565-3524
Pope	320-634-5222	Wadena	218-631-7633
Ramsey	651-266-8230	Waseca	507-835-0540
Red Lake	218-253-4281	Washington	651-430-6268
Redwood	507-637-4020	Watsonwan	507-375-1236
Renville	320-523-3680	Wilkin	218-643-7172
Rice	507-332-6107	Winona	507-457-6385
Rock	507-283-5020	Wright	763-682-7539
Roseau	218-463-2541	Yellow Medicine	320-564-3325
Scott	952-496-8200		
Sherburne	763-765-4600		
Sibley	507-237-4051		

Legal Aid Services

Legal Aid Services provide legal assistance to financially disadvantaged persons. Each Legal Aid office has criteria to determine when a person qualifies for legal assistance at little to no cost. Some Legal Aid offices provide assistance only within certain areas of the state or to certain groups of individuals—see specific listings for more information.

Legal Aid Service of Northeastern Minnesota

Administrative Office:

Duluth Office

302 Ordean Building
424 West Superior Street
Duluth, MN 55802
218-623-8100 or 855-204-1697

www.lasnem.org

(Serves Carlton, Cook, Lake and southern St. Louis counties)

Local Offices:

Brainerd Office

P. O. Box 804
324 South 5th Street, Suite A
Brainerd, MN 56401
218-829-1701 or 800-933-1112
(Serves Aitkin, Cass, and Crow Wing counties)

Grand Rapids Office

350 NW 1st Avenue, Suite F
Grand Rapids, MN 55744
218-322-6020 or 800-708-6695
(Serves Itasca and Koochiching counties)

Pine City Office

235 Main Street South
Pine City, MN 55063
320-629-7166 (voice/TTY) or
800-382-7166

Virginia Office

Olcott Plaza, Suite 200
820 North Ninth Street
Virginia, MN 55792
218-749-3270 (voice/TTY) or
800-886-3270

Legal Services of Northwest Minnesota, Inc.

Administrative Office:

Moorhead Office

P.O. Box 838
1015 Seventh Avenue North
Moorhead, MN 56560
218-233-8585 or 800-450-8585
www.lsnmlaw.org
(Serves Becker, Clay, Kittson, Marshall, Norman, Pennington, Polk, Red Lake, Roseau and Wilkin counties)

Alexandria Office

426 Broadway
Alexandria, MN 56308
320-762-0663 or 800-450-2552
(Serves Douglas, Grant, Otter Tail, Pope, Stevens, Traverse and Wadena counties [seniors living in Wadena county are served by St. Cloud Area Legal Services].)

Brochures and other resources may be obtained at most Legal Aid offices.

Mid-MN Legal Aid serves Minnesotans in the 20 counties of central Minnesota, including Hennepin.

Legal Services of Northwest Minnesota, Inc. , Cont.

Bemidji Office

215 Fourth Street NW
P.O. Box 1883
Bemidji, MN 56619
218-751-9201 or 800-450-9201
(Serves Beltrami, Clearwater, Hubbard, Lake of the Woods and Mahnomomen counties)

Judicare of Anoka County

1201 89th Avenue NE, Suite 310
Blaine, MN 55434
763-783-4970
www.anokajudicare.org

Anishinabe Legal Services

P.O. Box 157
411 First Street NW
Cass Lake, MN 56633
218-335-2223 or 800-422-1335
www.alslegal.org
(Serves Indian and non-Indian residents of Leech Lake, Red Lake and White Earth reservations)

Mid-Minnesota Legal Aid Offices

Mid-MN Legal Aid serves Minnesotans in the 20 counties of central Minnesota, including Hennepin, from offices in Minneapolis, St. Cloud and Willmar. They serve seniors in the additional counties of Anoka, Cass, Crow Wing, Kanabec, Pine and Wadena counties.

Minneapolis Office

430 First Avenue North, Suite 300
Minneapolis, MN 55401-1780
612-334-5970
612-332-4668 (TDD)
800-292-4150 (Disability Law Center)
www.mylegalaid.org

St. Cloud Office

110 6th Avenue South, Suite 200
St. Cloud, MN 56301
320-253-0121
888-360-2889
www.mylegalaid.org

Willmar Office

415 Seventh Street SW
Willmar, MN 56201
320-235-9600
888-360-3666
www.mylegalaid.org

Legal Services State Support

Midtown Commons
2324 University Avenue West,
Suite 101B
St. Paul, MN 55114
651-228-9105
www.mnlegalservices.org

Legal Assistance of Olmsted County

1700 N. Broadway, Suite 124
Rochester, MN 55906
507-287-2036
www.laocmn.com

Southern Minnesota Regional Legal Services

Administrative Office

100 Alliance Bank Center
55 East 5th Ave
St. Paul, MN 55101
651-228-9823
888-575-2954

Albert Lea Office

132 North Broadway
Albert Lea, MN 56007
507-377-2831
(Serving Faribault, Freeborn,
Mower, Rice, and Steele counties.)

Mankato Office

12 Civic Center Plaza, Suite 3000
Mankato, MN 56001
507-387-5588
(Serves Blue Earth, Brown,
LeSueur, Martin, McLeod, Nicollet,
Sibley, Waseca and Watonwan
counties [also seniors living in
Faribault county])

Rochester Office

903 West Center Street, Suite 130
Rochester, MN 55902
507-292-0080

Saint Paul Central Office

400 Alliance Bank Center
55 East 5th Street
St. Paul, MN 55101
651-222-5863
(Serving Carver, Ramsey, Scott and
Washington counties [also seniors
living in Dakota county])

Shakopee Office

712 Canterbury Road South
Shakopee, MN 55379
952-402-9890
(Serving LSC clients in Carver,
Dakota and Scott counties and
Seniors in Carver and Scott
counties)

Eastside and American Indian Branch Office

579 Wells Street, #100
St. Paul, MN 55130
651-222-5863

Winona Office

66 East Third Street, Suite 204
Winona, MN 55987-3478
507-454-6660 (voice or TTY)
(Serves Dodge, Fillmore, Goodhue,
Houston, Olmstead, Wabasha and
Winona counties)

Worthington Office

1567 N. McMillan Street, Suite 6
Worthington, MN 56187
507-372-7368
(Serves Cottonwood, Jackson,
Murray, Nobles, Pipestone,
Redwood and Rock counties)

Minnesota Family Farm

Law Project

12 Civic Center Plaza, Suite 3000
Mankato, MN 56001
507-387-1211

For more information
about Southern
Minnesota Regional
Legal Services, visit their
website: www.smrls.org.

Contact your legislators if you have questions about changes in the law or wish to propose changes to state law.

Refugee, Immigrant, and Migrant Services

St. Paul Office

450 North Syndicate Street,
Suite 285
St. Paul, MN 55104
651-291-2837
www.smrls.org

Rochester Office

2500 Valleyhigh Drive NW
Rochester, MN 55901
507-289-5960
www.smrls.org

Moorhead Office

1015 7th Avenue North
Moorhead, MN 56560
701-232-8872
www.smrls.org

Housing Alliance Law Office (HALO)

55 East 5th Street, Suite 400
St. Paul, MN 55101
651-222-4731

Legislature

House Information

651-296-2146 or 800-657-3550
www.house.leg.state.mn.us

Senate Information

651-296-0504 or 888-234-1112
www.senate.leg.state.mn.us

Mediation and Dispute Resolution

The following agencies provide Alternative Dispute Resolution mechanisms for resolving problems. The costs and fees vary:

Dispute Resolution Center

91 Arch Street East
St. Paul, MN 55130
651-292-7791
www.disputeresolutioncenter.org
(Serves Ramsey, Dakota and Washington Counties)

Mediation Services for

Anoka County

3200 Main Street NW, Suite 210
Coon Rapids, MN 55448
763-422-8878
www.mediationservice.org
(Serves Anoka County)

Conflict Resolution Center

2101 Hennepin Avenue South,
Suite 100
Minneapolis, MN 55405
612-822-9883
www.crcminnesota.org

Community Mediation Services, Inc.

9220 Bass Lake Road, Suite 270
New Hope, MN 55428
763-561-0033
www.mediationprogram.com

U.S. Department of Housing and Urban Development (HUD)

Provides brochures and housing programs. HUD also handles most low-income public housing assistance claims and programs:

HUD Minnesota State Office

International Center

920 Second Avenue South, Suite 1300

Minneapolis, MN 55402-4012

612-370-3000

www.hud.gov

U.S. Department of Veterans Affairs

Provides information, loans, and insurance to veterans who wish to purchase manufactured homes:

Department of Veterans Affairs

810 Vermont Avenue NW

Washington, DC 20420

800-827-1000

www.va.gov

If you have any additional questions, please call the Minnesota Attorney General's Office at 651-296-3353 or 800-657-3787.

Forms Required by State Law

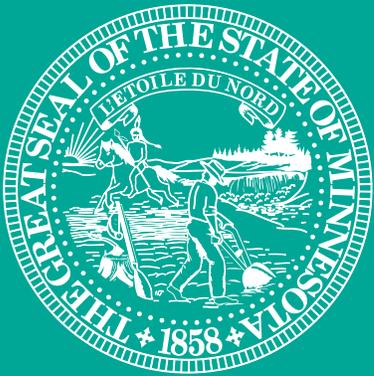
There are two forms that people buying and selling manufactured homes will use. These are the Notice Required by State Law (Form 1) and the Notice of Compliance Form (Form 2). The full text of these forms follows:

Form 1: Notice Required by State Law (Page 35)

This notice must be printed in minimum size of ten point, boldface print, and posted in a conspicuous and public location in the park.

Form 2: Notice of Compliance Form (Page 36)

A used manufactured home manufactured after June 14, 1976, cannot be sold or installed for occupancy unless it complies with the Notice of Compliance Form set forth below, signed by the seller and purchaser indicating which party is responsible for making or paying for necessary corrections prior to transfer of ownership.



IMPORTANT NOTICE

State law provides special rules for the owners, residents, and prospective residents of manufactured home parks.

You may keep your home in the park as long as the park is in operation and you meet your financial obligations, obey state and local laws which apply to the park, obey reasonable park rules, do not substantially annoy or endanger the other residents or substantially endanger park personnel and do not substantially damage the park premises. You may not be evicted or have your rent increased or your services cut for complaining to the park owner or to a governmental official.

If you receive an eviction notice and do not leave the park, the park owner may take you to court. If you lose in court, a sheriff may remove you and your home from the park within seven days. Or, the court may require you to leave the park within seven days but give you 60 days to sell the home within the park.

If you receive an eviction notice for a new or amended rule and the court finds the rule to be reasonable and not a substantial modification of your original agreement, the court will not order you to leave but will order you to comply with the rule within ten days. If you do not comply within the time given or if you violate the rule at a later time, you will be subject to eviction.

All park rules and policies must be reasonable. Your rent may not be increased more than twice a year. Changes made in park rules after you become a park resident will not apply to you if they substantially change your original agreement.

The park may not charge you an entrance fee.

The park may require a security deposit, but the deposit must not amount to more than two months rent.

You have a right to sell the home in the park. But the sale is not final until the park owner approves the buyer as a new resident, and you must advise in writing anyone who wants to buy your home that the sale is subject to final approval by the park owner. The park must provide to you, in writing, the procedures and criteria used to evaluate a prospective resident. If your application is denied, you can request, in writing, the reason why. You must also disclose in writing certain safety information about your home to anyone who wants to buy it in the park.

You must give this information to the buyer before the sale, in writing, on the form that is attached to this notice.

You must completely and accurately fill out the form and you and the buyer should each keep a copy.

Your rental agreement and the park rules contain important information about your rights and duties.

Read them carefully and keep a copy.

You must be given a copy of the shelter or evacuation plan for the park. This document contains information on where to seek shelter in times of severe weather conditions. You should carefully review the plan and keep a copy.

By February 1 of each year, the park must give you a certificate of rent constituting property taxes as required by Minnesota Statutes, section 290A.19.

For further information concerning your rights, consult a private attorney. The state law governing the rental of lots in manufactured home parks may also be enforced by the Minnesota Attorney General.

Notice of Compliance Form as required in Minnesota Statutes, section 327.32, subdivision 1

This notice must be completed and signed by the purchaser(s) and the seller(s) of the used manufactured home described in the purchase agreement and on the bottom of this notice before the parties transfer ownership of a used manufactured home constructed after June 14, 1976.

Electric ranges and clothes dryers must have required four-conductor cords and plugs. For the purpose of complying with the requirements of section 327B.06, a licensed retailer or limited retailer shall retain at least one copy of the form required under this subdivision.

Complies Correction required

Initialed by Responsible Party: Buyer Seller

Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code of Federal Regulations, title 24, section 3280.709 (g), and installed correctly in accordance with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc., Code of Federal Regulations, title 24, section 3280.709 (g)).

Complies Correction required

Initialed by Responsible Party: Buyer Seller

Gas water heaters and furnaces must be listed for manufactured home use, Code of Federal Regulations, title 24, section 3280.709 (a) and (d)(1) and (2), and installed correctly, in accordance with their listing or standards.

Complies Correction required

Initialed by Responsible Party: Buyer Seller

Smoke alarms are required to be installed and operational in accordance with Code of Federal Regulations, title 24, section 3280.208.

Complies Correction required

Initialed by Responsible Party: Buyer Seller

Carbon monoxide alarms or CO detectors that are approved and operational are required to be installed within ten feet of each room lawfully used for sleeping purposes.

Complies Correction required

Initialed by Responsible Party: Buyer Seller

Egress windows are required in every bedroom with at least one operable window with a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with the bottom of windows opening no more than 36 inches above the floor. Locks, latches, operating handles, tabs, or other operational devices shall not be located more than 54 inches above the finished floor.

Complies Correction required

Initialed by Responsible Party: Buyer Seller

The furnace compartment of the home is required to have interior finish with a flame spread rating not exceeding 25, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

The water heater enclosure in this home is required to have interior finish with a flame spread rating not exceeding 25, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

The home complies with the snow load and heat zone requirements for the state of Minnesota as indicated by the data plate.

Complies

Correction required

Initialed by Responsible Party: Buyer

Seller

The parties to this agreement have initialed all required sections and agree by their signature to complete any necessary corrections prior to the sale or transfer of ownership of the home described below as listed in the purchase agreement.

The state of Minnesota or a local building official has the authority to inspect the home in the manner described in Minnesota Statutes, section 327.33, prior to or after the sale to ensure compliance was properly executed as provided under the Manufactured Home Building Code.

Signature of Purchaser(s) of Home

.....date.....

.....date.....

.....

.....

Print name as appears on purchase agreement

Print name as appears on purchase agreement

Signature of Seller(s) of Home

.....date.....

.....date.....

.....

.....

Print name and license number, if applicable

Print name and license number, if applicable

(Street address of home at time of sale)

.....

(City/State/Zip)

Name of manufacturer of home

Model and year

Serial number

Consumer Questions or Complaints

The Minnesota Attorney General's Office answers questions regarding numerous consumer issues. The Attorney General's Office also provides assistance in resolving disputes between Minnesota consumers and businesses and uses information from consumers to enforce the state's civil laws. We welcome your calls!

If you have a consumer complaint, you may contact the Attorney General's Office in writing:

Minnesota Attorney General's Office
445 Minnesota Street, Suite 1400
St. Paul, MN 55101

You can also receive direct assistance from a consumer specialist by calling:

651-296-3353 or 800-657-3787
TTY: 651-297-7206 or TTY: 800-366-4812
(TTY numbers are for callers using teletypewriter devices.)

Additional Publications

Additional consumer publications are available from the Minnesota Attorney General's Office. Contact us to receive copies or preview the publications on our website at www.ag.state.mn.us.

- Car Handbook
- Home Building and Remodeling
- Conciliation Court
- Credit Handbook
- Guarding Your Privacy: Tips to Prevent Identity Theft
- Home Buyer's Handbook
- Home Seller's Handbook
- Landlords and Tenants: Rights and Responsibilities
- Managing Your Health Care
- Manufactured Home Parks Handbook
- Minnesota's Car Laws
- Phone Handbook
- Probate and Planning: A Guide to Planning for the Future
- Seniors' Legal Rights
- Veterans and Service Members
- Other Consumer Bulletins

MINNESOTA ATTORNEY GENERAL'S OFFICE

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