

# Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

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## Demand for Past Due Rent in Mobile Home Parks

**Note:** If you have a rent-to-own agreement with your mobile home park owner or operator, you have additional rights that are not described in this article. If problems arise with the park owner or operator, you should contact an attorney. If the park tries to evict a rent-to-own purchaser, the purchaser may be able to get their money back.

### **What is the legal definition of a mobile home park?**

A property is considered to be a mobile home park if:

- There are at least 3 mobile homes on the property, and
- The mobile homes are lived in year round

### **What happens if I am behind on my rent?**

If you are behind on your rent and live in a mobile home park the law requires that your landlord give you a written letter telling you that you must pay the rent that is owed within 30 days. This letter is called a notice. Your landlord must give you this notice before trying to get an eviction warrant. This also applies even if you do not own your mobile home, but rent a mobile home from the park.

Note: The law is different if you rent the mobile home from someone other than the person who owns the park. Then, the notice to pay rent must give you at least 14 days to pay.

The notice your landlord gives you must be in writing. It must give you at least 30 days to pay, and must be clear as to what is expected. Here is an example of a notice that is clear:

"Dear Tenant: You are behind on your rent in the amount of \$500.00, and you must pay this amount within 30 days of today's date. If you do not pay this amount within 30 days, then you must vacate my property. If you do not pay this amount within 30 days, I will ask a court for a warrant to evict you."

Here is an example of a notice that is not clear:

"Dear Tenant: You are behind on your rent and you should pay it as soon as you can. If you don't, you may have to move."

Make sure you tell the judge that you were not given correct notice if your landlord tries to evict

you for nonpayment of rent and:

- The notice was not written, or
- It does not give you 30 days to pay

The judge should make your landlord prove that he or she gave you proper notice. If your landlord cannot prove to the court that correct notice was given to you, then the judge should throw your landlord's case out and not give your landlord a warrant to evict you.

There is significant additional information on manufactured home park tenants' rights in a booklet published by the New York State Attorney General's office. Please contact us if you would like us to provide a copy.

If your landlord is threatening to evict you and you cannot pay rent, you should try to get a lawyer to help you. Your local Department of Social Services might be able to point you in the right direction.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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