Termination of tenancies in mobile home parks

by Jessica Kolomouzou

Mobile home parks are better insulated from tenancy termination by law than ordinary leaseholds. The major difference involves the statute’s requirement of “just cause” before the tenancy can be terminated. MCL 600.5775 provides for 11 separate circumstances which would constitute “just cause.” Most of these circumstances revolve around violating the law or using the mobile home site for an unlawful purpose, committing health or safety violations on the property, or failing to maintain the condition or aesthetic appearance of the property to protect the value of the mobile home park. This higher standard, calling for a “just cause” to terminate the tenancy, helps protect those living in mobile home parks. The “just cause” requirement gives those living in mobile home parks a little more leeway when it comes to violations of their leases which may lead to the end of their tenancy. For example, by statute, a landlord cannot terminate the tenancy of a tenant who fails to make timely payment of rent or other charges under the lease, unless it happens three or more times within a 12-month period. The mobile home owner or operator is also required to serve a written demand for possession nonpayment of rent, and if the tenant has not responded to this demand within time period stated in the demand for possession. The statute states it shall be held at the mobile home park. The extra insulation for mobile home park tenants protects them from potential disadvantages due to the unique nature of their tenancy. The “just cause” requirement, the tenant’s right to request a conference with the mobile home park owner, and the 90-day period of time that tenant is allowed to remain on the land are all provided by the Legislature in the mobile home tenant’s favor. These statutes show a positive public policy for protecting the rights of mobile home park tenants.

Perceived Power Disparity Between Tenants and Landlords

The reason many tenants hesitate to talk to their landlords is because of the perceived power gap that they feel is in place. Tenants tend to think that their landlord has the upper hand and that there is not much they can do to protect their rights. The reason a lot of tenants think this is because they simply are not educated about the rental housing process.

The truth is that there are many rights granted to tenants, but since tenants usually are not informed of them, they perceive that landlords have many more rights than they do, but as this article points out, that is simply not true. Tenants are actually overlooking the simplest, most cost-effective ways of solving their problems: talking to their landlord and educating themselves about the problems.

Litigation does not have to be the answer to all of a tenant’s problems. Of course, there will always be times that a landlord should try to help the tenant resolve the situation as soon as possible. The landlord can do this by sending a repairperson to the tenant’s residence to assess the problem. In some cases, the landlord may be able to respond to the tenant through letter or phone call. In other cases, the landlord may need to get the help of a lawyer to resolve the problem.

The landlord-tenant relationship is often characterized by a power disparity. This disparity is often reinforced by the fact that most tenants are not as familiar with the laws and housing procedures of any given state as landlords. The truth is that landlords have the upper hand and that there is not much they can do to protect their rights. The reason a lot of tenants think this is because they simply are not educated about the rental housing process. However, tenants have many rights that are entitled to in writing. For example, if you want to be able to have pets live with you, make sure that you get the landlord to put this in your lease. Additionally, tenants should keep a copy of any correspondence that they have with their landlord and any documents that are exchanged. Lastly, it is important for tenants to stay organized by keeping a journal of anything that is done with respect to their property or any changes that are made by the landlord. Tally up the amount of time that it will take to move out with another person should always be the first step in the process of solving a housing problem. Tenants need to realize that this can often be the last step in the process also.