

What are Manufactured Homes?

- ▶ Structure constructed after June 15, 1976;
- ▶ Is in accordance with the HUD manufactured home construction and safety standards;
- ▶ Transportable in one or more sections; and
- ▶ Built on a permanent chassis.

What is abandoned?

- ▶ Lot rent has not been paid for the past 60 days; and
- ▶ The landlord reasonably believes (by absence, words, or actions) that the tenant has left the home with no intention of asserting a claim to the lot or home; or
- ▶ is unoccupied or uninhabitable because of total or partial destruction.

Release of Interest

- ▶ If you sign a release of interest it must be written and contain a description of the home, the names and addresses of the legal owners with the lien amount and an acknowledgment that you are waiving your rights to contest the claim and a right to a hearing.

How are Manufactured Homes Titled?

- ▶ Through the DMV/IDT as personal property.
- ▶ If the manufactured home has no identification number, the department will assign one, which must be permanently affixed to the frame of the home.

Lien Sale Notification Process

- ▶ Once a mobile home is considered abandoned the landlord, as the possessory lienholder may initiate a lien sale.
- ▶ The lien can be approved through the Idaho Transportation Department (ITD) or through a court judgment.
- ▶ The landlord will need to apply to ITD for the lien to be applied.
- ▶ ITD will send the application to the legal owners.
- ▶ The landlord needs to give at least 10 days' notice of the sale by advertising in 1 issue of newspaper of general circulation in the county of the home; 20 days' notice by certified mail to the legal owner and to the department.
All the notices need: the make, vehicle identification number, date, time, and place of the sale.

Eviction Process

- ▶ Nonpayment of rent or other charges in the rental agreement can lead to the eviction process being started.
- ▶ Written notice must be given.
- ▶ Once lot rent is three days late the landlord can give notice of a 30-day eviction notice.
- ▶ This process does not apply once the home has been deemed abandoned.

Tenant's Rights

- ▶ Right to a hearing, if not waived.
- ▶ Tenants have a right to be notified of a sale of their manufactured home.

Landlord's Rights

- ▶ Landlord is entitled to back-rent, 60 days maximum with lien sales.
- ▶ The landlord, once the home is deemed abandoned is entitled to a lien on the home to start the sale process to recover past lot rent and costs.
- ▶ A landlord can get a lien through judicial judgment, the DMV/ITD, or a signed release of interest from other lienholders.

Tenant's Right to Sell

- ▶ A landlord cannot deny the owner the right to sell the manufactured home.
- ▶ A landlord cannot require the owner to remove the home due to a sale.
- ▶ A landlord is not entitled to commission for the sale of the home UNLESS there is a written agreement that the landlord can act as a seller.
- ▶ A new lease will need to be signed between the landlord and the buyer.
- ▶ Landlords can approve or disapprove of the buyer based on the same process for other residents.

Lien Sale Process

- ▶ The landlord must allow 1 hour before the sale for public inspection.
- ▶ The proceeds from the sale will first go to the landlord to pay the lien, then to cover the costs of the sale, the remaining balance will be forwarded to ITD to pay the legal owner.

Removal

Manufactured homes cannot be removed until all fees are paid.

Legal Remedies

Owners of the mobile home can submit a declaration of opposition within 10 days of the notice being mailed to stop the sale until a court judgment is rendered.

Once there is a declaration of opposition the landlord cannot sale the manufactured home without a court order or the legal owner releases all interest in the home.

Apply to the department within two years to receive profits from the sale.

Resources

Call 2-1-1 (Idaho Department of Health and Welfare)

Idaho Housing and Finance Association

U.S. Department of Housing and Urban Development

If there is discrimination: Idaho Human Rights Commission or Intermountain Fair Housing Council

Idaho Rental Assistance & Properties

1-877-428-8844

www.housingidaho.com

Looking for more information?

Visit www.idaholegalaid.org to find more free forms and information.

Idaho Legal Aid Services

Statewide Telephone Number
208-746-7541

For TRS Dial 7-1-1

The Landlord – Tenant Relationship

Any written agreement (lease) will govern how the landlord and tenant act during the tenancy. The Mobile Home Landlord and Tenant Right Act requires that the landlord provide a written rental agreement to the tenant to be signed by both parties. IC § 55-2005(1). Some of the laws affecting landlord-tenant relationships with respect to manufactured homes are found in **Idaho Code (I.C.) Title 55 Chapter 20**.

If you have questions about your rights or duties, you should look first to the written lease for the answer. If you still have questions, then contact an attorney.

The advice in this handout is very general and there might be special factors in your case. If you have legal questions, contact an attorney. If you cannot afford an attorney, contact **Idaho Legal Aid Services** using the statewide telephone number **208-746-7541** to speak with an intake specialist. You may also apply for our services online. Visit us on the web at: **www.idaholegalaid.org**

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Advice for Idahoans:



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Manufactured Homeowners Landlord Lien and Lien Sales

Read this handout to understand:
If you own a manufactured home and rent a manufactured home space:

How to avoid a lien sale?

What happens once your landlord has a lien on your manufactured home?