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Frequently Asked Questions From Mobile Home Residents Post Disaster¹

The Florida Mobile Home Act, F.S. § 723.002, and what follows, protects owners of mobile homes who rent a lot in a mobile home park lot in which 10 or more lots are offered for rent. It does not cover those who live in RVs or rent mobile homes.

The following are answers to some of the questions that often arise after a hurricane:

a. How do I know if my mobile home qualifies as an RV or a mobile home?

A mobile home is designed for use as a permanent dwelling. The law states it must be at least 8 ft. wide and 35 ft. long.²

b. What happens if I rent the mobile home and the mobile home lot?

You are covered under the Florida Residential Landlord and Tenant Act just like a renter in a site-built apartment or home.³

c. If my mobile home is destroyed, do I, as the owner of the mobile home, still have to pay lot rent?

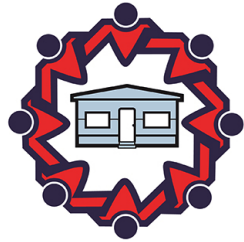
If the owner rents the land upon which the mobile home was placed, s/he is obligated to pay rent in order to maintain possession of the lot.⁴ But, if your park is unlivable, you and your neighbors should speak to the park owner about whether s/he will reduce or waive rent for some period of time. If the owner agrees, make sure you confirm the agreement in writing, by e-mail, or text. If you do not pay rent, the park owner may file an eviction for non-payment of rent. If that happens, you will be required to deposit your rent with the court; if you do not deposit your rent with the court, you will automatically lose the eviction. If you do not have money to pay the rent, you should contact your local disaster recovery center or visit www.disasterassistance.gov to see if you are eligible for any other financial assistance.

¹ Special thanks to Terry Coble, The Florida Bar Foundation, and Florida Legal Services.

² Fla. Stat. § 723.003(8)

³ Fla. Stat. § 723.002(1)

⁴ See *Mobile Home Natural Disaster in Florida & FEMA*. Florida Anchor & Barrier Company. 2018. <https://floridaanchorandbarrier.com/2018/10/09/mobile-home-natural-disasters-in-florida-fema/>.



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d. If the mobile home park is destroyed, can the park owner permanently close down the park?

The park owner must provide a six-month notice to all residents prior to closing down a mobile home park. In addition, the park owner must provide written notice to all residents within five days of filing an application to change the park's zoning from mobile home park to some other use. If the park owner closes the park, you may be eligible for a small amount of financial assistance from Florida's Mobile Home Relocation Corporation.

e. Who is responsible for debris clean up?

It is generally a good idea to review the lease, prospectus, and mobile home park rules and regulations to determine if the homeowners and park owners have a written agreement governing this issue. If there is no written agreement, then Florida law governs and the responsibilities are as follows:

- The mobile home park owner is responsible for cleaning the debris in the common areas of the mobile home park.
- The mobile home owner is responsible for cleaning up the debris on his/her individual lot caused by his or her own personal property (i.e., destroyed utility sheds, mobile home parts, furniture, etc.).⁵

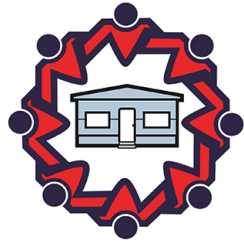
f. What kind of benefits will FEMA provide mobile home owners?

After a mobile home owner applies for FEMA benefits, you should make every effort to be present when FEMA comes around to inspect the mobile home. You should take pictures of the mobile home and its contents and provide the FEMA agent any information you may have regarding the value of your losses. These photos and information may be crucial if you need to file an appeal (because you have the right to appeal a denial of assistance within 60 days).⁶

In most cases, the FEMA agent will assess the cost of repairs and provide the mobile homeowner financial assistance for repairs. However, with older, more vulnerable

⁵ Fla. Stat. § 723.022-.023

⁶ *Individual Disaster Assistance*. FEMA. April 2019.
<https://www.fema.gov/individual-disaster-assistance>.



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homes, it is a good idea to advocate for total destruction of the mobile home. If the mobile home is classified as destroyed, the mobile home owner will receive a cash award for the “loss of housing unit.”⁷ If the mobile home is initially declared “repairable,” but you believe the cost of repairs will exceed the value of the mobile home, it is generally a good idea to speak to local, county, or city inspectors to request that they inspect the mobile home. If the mobile home is condemned by the local authorities, the mobile home owner is entitled to seek a reclassification in order to obtain the higher level of benefits from FEMA.⁸

g. What if the person who resides in the mobile home is leasing the home?

If you rent the mobile home, you are classified as a renter or “tenant.” The mobile home “tenant” is entitled to receive funds for loss of personal property, rental assistance, and other benefits which may be deemed necessary.⁹ When the mobile home is being leased, the owner of the mobile home is not entitled to certain FEMA benefits because the dwelling was not his/her primary place of residence.

If you’re a mobile home tenant who are leasing under a “rent to own” arrangement, you may want to consider appealing to FEMA to reclassify you as the mobile home owner instead of a mobile home “tenant.”

Types of Assistance

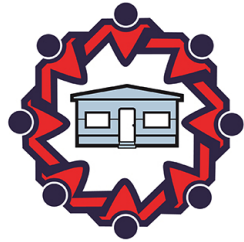
⁷ See *Mobile Home Residents: Frequently Asked Questions After A Natural Disaster*. Legal Services of Greater Miami, Inc. Sept. 2017.

<https://static1.squarespace.com/static/54179ca4e4b0b0c7bc710d3d/t/59bc8e8ef14aa122fc66da64/1505529487029/Mobile+Homeowners+FAQ+After+Hurricane+Legal+Services.pdf>

⁸ Ask an advocate to seek the help of the local FDEM housing coordinator and/or the FEMA area representative to obtain a reclassification of a unit as “destroyed.” With an advocate in these situations, residents can usually bypass the regular FEMA appeals process and the long wait that is associated with it.

⁹ See, e.g., *FEMA Benefits for Immigrants and Tenants*. FEMA Benefits for Immigrants and Tenants. North Carolina Justice Center. Sept. 2018.

http://www.ncfhp.org/wp-content/uploads/2018/09/FEMA-BENEFITS-FOR-IMMIGRANTS-AND-TENANTS-English-September-20181_0.pdf.



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What kind of benefits will FEMA provide mobile home owners?

FEMA may provide financial assistance for repairs to the mobile home if repairs are possible. If the mobile home is classified as destroyed, the mobile homeowner may receive a cash award for the “loss of housing unit.” In extreme cases, FEMA may provide a new mobile home for temporary living, sometimes with the possibility of purchasing the home at a reduced rate.

What kind of benefits will FEMA provide to mobile home renters (not homeowners)?

FEMA may provide financial assistance to mobile home renters whose personal property was damaged by the hurricane. Mobile home renters may also be eligible to receive assistance to cover three-months’ rent for alternative housing, and other needs such as disaster-caused medical expenses, repair of a car damaged by the storm, disaster-related moving and storage expenses, and food costs. However, please be mindful of what the intended use for each type of assistance; for example, if you spend housing money on food, FEMA could ask you to pay them back. Keep all receipts.

In addition to filing for FEMA assistance at www.DisasterAssistance.gov, there are other forms of assistance available under the “Get Assistance” tab including Home and Property Disaster Loans from the Small Business Administration (sometimes FEMA assistance requires applying for an SBA loan, but it does not need to be accepted to receive FEMA assistance).