

MOBILE HOME PARKS AND VERMONT'S FAIR HOUSING AND PUBLIC ACCOMMODATIONS ACT

**Prepared by
Vermont Human Rights Commission**

Vermont's Fair Housing and Public Accommodations Act (9 V.S.A. Chapter 139) (the Fair Housing Law) prohibits discrimination in housing because of a person's race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, disability or age or because a person has minor children or receives public assistance. The Fair Housing Law applies to mobile homes and mobile home parks and prohibits discrimination in the sale, rental, or financing of a mobile home or a lot in a mobile home park.

THE RIGHTS OF HOUSEHOLDS WITH CHILDREN

The Fair Housing Law prohibits discrimination against households with children. Mobile home parks may not limit households with children to certain areas of the park or certain units and may not charge households with children higher rents or higher security deposits. In addition, mobile home parks may not refuse to sell or rent units to households with children, except in the limited circumstances described below.

1. Housing for the Elderly

A mobile home park may refuse to rent to households with children if the park qualifies as elderly housing under the criteria described below:

- (1) The park must be occupied solely by persons who are 62 years of age or older; or
- (2)
 - (a) At least 80% of the homes in the park must be occupied by at least one person who is 55 years of age or older; and
 - (b) The park must have significant facilities and services specifically designed to meet the physical or social needs of older persons or, if it is not practicable to provide such facilities and services, the park must be necessary to provide important housing opportunities for older persons; and
 - (c) The park must have written and enforced policies which demonstrate the owner's intention to provide housing for persons who are 55 years of age or older; or
- (3) The park must be established under a federal or state program specifically designed and operated to assist elderly persons.

If a mobile home park does not meet these criteria, it may not exclude households with children.

If a mobile home park wishes to become an elderly only housing facility it is very difficult to change its status. The reason is that the facility may NOT discriminate against persons with minor children while in the process of making the switch. Be sure to consult an attorney who understands fair housing laws if you are considering this change.

2. Occupancy Limits

Some mobile home parks impose limits on the number of individuals who may occupy homes in the park. Such restrictions tend to keep out households with children and, therefore, violate the Fair Housing Law, except in the two circumstances described below:

- (1) An occupancy limit does not violate the Fair Housing Law if a local ordinance requires a certain number of square feet per occupant and the household seeking to rent or purchase a mobile home is too large for the home under that ordinance. (However, very few cities or towns in Vermont have such ordinances and the ordinances must be reasonable. If an ordinance is not reasonable then the mobile park owner cannot rely on it to determine occupancy rates.)
- (2) An occupancy limit does not violate the Fair Housing Law if it is a legitimate business practice necessary to protect and manage the park. For example, occupancy limits may be justified where, for example, the septic or water systems for a mobile home comply with health ordinances but will not support more than a certain number of occupants. However, occupancy limits must be applied evenhandedly and not just to households with children and the mobile home park must be able to provide documentation to support such limits.

3. Other Restrictions

The Fair Housing Law does not require a mobile home park to rent to a household for legitimate reasons pertaining to the household's inability to comply with its lease. For example, a park may refuse to rent to a household with children who are excessively noisy or destructive. However, the refusal must be based upon specific information about the children in that household, such as references from past landlords, and not on stereotypes about children.

THE RIGHTS OF INDIVIDUALS WITH DISABILITIES

The Fair housing laws also prohibit discrimination against individuals with disabilities. Mobile home parks may not refuse to sell or rent to individuals with disabilities, may not discriminate against individuals with disabilities in financing, and may not charge individuals with disabilities higher rents or higher security deposits.

Mobile home parks must allow individuals with disabilities to make reasonable modifications in mobile homes they occupy in order for them to have full use of the homes. This covers the installation of things such as ramps and grab bars. When an individual with a disability leaves a rented mobile home, the park may, under certain circumstances, require the individual to restore the home to the condition it was in before the modifications, reasonable wear and tear excepted. But the park may not require an individual with a disability to pay an additional security deposit for this purpose.

Mobile home parks must also make reasonable accommodations in rules, policies, practices, and services where such accommodations may be necessary to afford an individual with a disability an equal opportunity to use and enjoy a mobile home. For example, a park may be required to make an exception to parking rules for an individual with a disability or it may be required to make an exception to a no-pet policy when an individual with a disability needs an assistance animal because of the disability.

* * *

If you want more information about the Fair Housing Law or if you think you have been discriminated against, call the Vermont Human Rights Commission at 1-800-416-2010 (voice/tty). This information sheet is available in alternate formats.

8/1/2011