

PENNSYLVANIA MANUFACTURED HOUSING ASSOCIATION

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Act 74



No. 1996-74

AN ACT

SB1181

Amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "An act relating to the rights, obligations and liabilities of landlord and tenant and of parties dealing with them and amending, revising, changing and consolidating the law relating thereto, regulating mobile home space recovery; and providing for recovery of mobile home space.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 102 of the act of April 6, 1951 (P.L. 69, No. 20), known as The Landlord and Tenant Act of 1951, amended December 18, 1984 (P.L. 1003, No. 203) and July 6, 1995 (P.L. 261, No. 36), is amended to read:

Section 102. Definitions. – As used in this act –

[(1) "Person" shall include natural persons, copartnerships, associations, private and public corporations, authorities, fiduciaries, the United States and any other country and their respective governmental agencies, the Commonwealth of Pennsylvania and any other state and their respective political subdivisions and agencies.

(2) "Justice of the peace" shall include justices of the peace, district justices, aldermen, magistrates or any other court having jurisdiction over landlord and tenant matters, excluding a court of common pleas.

(3) "Real property" shall include messuages, lands, tenements, real estate, buildings, parts thereof or any estate or interest therein, and shall include any personalty on real property which is demised with the real property.

(4) "Personal property" shall include goods and chattels, including fixtures and buildings erected by the tenant and which he has the right to remove, agricultural crops, whether harvested or growing, and livestock and poultry.

(5) "Tenants' organization or association" shall mean a group of tenants organized for any purpose directly related to their rights or duties as tenants.]

"Abandoned mobile home" means the vacating of a mobile home by a resident without notice to the community, together with the nonpayment of required rent, fees, service charges and assessments and one or more of the following:

- (1) The removal of most or all personal property from the mobile home.*
- (2) Failure to use, maintain or return to the mobile home.*
- (3) Cancellation of insurance covering the mobile home.*
- (4) Termination of utility services to the mobile home.*

"Justice of the peace" means district justices, aldermen, magistrates or any other court having jurisdiction over landlord and tenant matters, excluding a court of common pleas.

"Mobile home park" means any site, lot, field or tract of land, privately or publicly owned or operated, upon which three or more mobile homes occupied for dwelling or sleeping purposes are or are intended to be located, regardless of whether or not a charge is made for such accommodation.

"Mobile home resident" or "resident" means an owner of a mobile home who leases or rents space in a mobile home park. The term does not include a person who rents or leases a mobile home.

"Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

"Person" means natural persons, copartnerships, associations, private and public corporations, authorities, fiduciaries, the United States and any other country and their respective governmental agencies, this Commonwealth and any other state and their respective political subdivisions and agencies.

"Personal property" means goods and chattels, including fixtures and buildings erected by the tenant and which he has the right to remove, agricultural crops, whether harvested or growing, and livestock and poultry.

"Real property" means messuages, lands, tenements, real estate, buildings, parts thereof or any estate or interest therein and shall include any personalty on real property which is demised with the real property.

"Tenants' organization or association" means a group of tenants organized for any purpose directly related to their rights or duties as tenants.

Section 2. Section 501 of the act, amended July 6, 1995 (P.L. 261, No. 36), is amended to read:

Section 501. Notice to quit – (a) A landlord desirous of repossessing real property from a tenant *except real property which is a mobile home space as defined in the act of November 24, 1976 (P.L. 1176, No. 261), known as the "Mobile Home Park Rights Act,"* may notify, in writing, the tenant to remove from the same at the expiration of the time specified in notice under the following circumstances, namely, (1) Upon the termination of a term of the tenant, (2) or upon forfeiture of the lease for breach of its conditions, (3) or upon the failure of the tenant, upon demand, to satisfy any rent reserved and due.

(b) Except as provided for in subsection (c), in case of the expiration of a term or of a forfeiture for breach of the conditions of the lease where the lease is for any term of one year or less or for an indeterminate time, the notice shall specify that the tenant shall remove within fifteen days from the date of service thereof, and when the lease is for more than one year, then within thirty days from the date of service thereof. In case of failure of the tenant, upon demand, to satisfy any rent reserved and due, the notice shall specify that the tenant shall remove within ten days from the date of the service thereof.

(c) In case of the expiration of a term or of a forfeiture for breach of the conditions of the lease involving a tenant of a mobile home park as defined in the [act of November 24, 1976 (P.L. 1176, No. 261), known as the] "Mobile Home Park Rights Act," where the lease is for any term of less than one year or for an indeterminate time, the notice shall specify that the tenant shall remove within thirty days from the date of service thereof, and when the lease is for one year or more, then within three months from

the date of service thereof. In case of failure of the tenant, upon demand, to satisfy any rent reserved and due, the notice, if given on or after April first and before September first, shall specify that the tenant shall remove within fifteen days from the date of the service thereof, and if given on or after September first and before April first, then within thirty days from the date of the service thereof.

(c.1) The owner of a mobile home park shall not be entitled to recovery of the mobile home space upon the termination of a lease with a resident regardless of the term of the lease if the resident:

- (1) is complying with the rules of the mobile home park; and*
- (2) is paying the rent due; and*
- (3) desires to continue living in the mobile home park.*

(c.2) The only basis for the recovery of a mobile home space by an owner of a mobile home park shall be:

- (1) When a resident is legally evicted as provided under section 3 of the "Mobile Home Park Rights Act."*
- (2) When the owner and resident mutually agree in writing to the termination of a lease.*
- (3) At the expiration of a lease, if the resident determines that he no longer desires to reside in the park and so notifies the owner in writing.*

(d) In case of termination due to the provisions of section 505-A, the notice shall specify that the tenant shall remove within ten days from the date of service thereof.

(e) The notice above provided for may be for a lesser time or may be waived by the tenant if the lease so provides.

(f) The notice provided for in this section may be served personally on the tenant, or by leaving the same at the principal building upon the premises, or by posting the same conspicuously on the leased premises.

Section 3. The act is amended by adding a section to read:

Section 505. Abandoned Mobile Homes. – (a) If a mobile home is abandoned by its resident for a period of thirty days or more, the owner of the mobile home park or other person or persons responsible for operation of the park may:

- (1) Enter the mobile home and secure any appliances, furnishings, materials, supplies or other personal property therein and disconnect the mobile home from any utilities.*
- (2) Move the mobile home to a storage area within the mobile home park or to another location deemed necessary and proper without the requirement of obtaining a removal permit from the local taxing authority which would otherwise be required under section 407(e) of the act of May 22, 1993 (P.L. 853, No. 155), known as "The General County Assessment Law," or section 617.1 of the act of May 21, 1943 (P.L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law." The mobile home shall continue to be subject to the lien for taxes assessed against it, but the real estate on which the home was and is located shall not be encumbered by the lien. The former mobile home residents shall be notified by mail and by posting on the home and at any other known*

address, or by any other means by which notice may be achieved, that the mobile home has been moved and of the new location of the mobile home.

(3) Assess removal charges and storage charges against the former mobile home residents.

(b) A person or persons acting as authorized under subsection (a) are not responsible for any loss or damage to a home or its contents or for any taxes, fees, assessments or other charges of any kind relating to the abandoned mobile home unless it is proven that the home removed was not an abandoned home, in which case the community owner and his agent shall be liable for the loss incurred by the homeowner.

Section 4. This act shall take effect in 60 days.

APPROVED – The 2nd day of July, A.D. 1996.

Thomas J. Ridge