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Is there anything our town can do with an abandoned mobile home in town without having to go through the statutory foreclosure process?

Yes. In 2012, the state legislature added a provision in statute to help towns deal with abandoned mobile homes. Title 9, Section 2608, establishes an alternative to the ordinary collection processes by authorizing towns to initiate an action in Superior Court to sell an abandoned mobile home at public auction. This newer, alternative course of action is very similar to a process that was previously only available to mobile home park owners in 10 V.S.A. Chapter 153, and it provides towns with another option for dealing with abandoned mobile homes.

If there is an abandoned mobile home located in the town on private property, the town can file a verified complaint (a complaint verified by the plaintiff under oath) in the Civil Division of the Superior Court for the county in which the town is located. The town must also satisfy specific publication and notice requirements. A hearing is scheduled from 15 to 30 days after the filing of the complaint.

At the court hearing, the town must prove ownership of the mobile home, the amount of taxes, fees, and other charges due to the town, and the amount of attorneys' fees claimed. The town must also prove that notice and publication requirements have been met, and that the mobile home has actually been "abandoned." Whether a mobile home is abandoned is a question of fact determined by the court. If the court finds that the town has complied with the above criteria, the court approves the sale of the mobile home at a public auction.

The court order will include the minimum bid, terms of sale, and notice and publication requirements of the sale. The minimum bid must be sufficient to cover the total costs of paying the person conducting the sale, the town's court costs, attorneys' fees, publication and mailing costs, delinquent town taxes, including interest and penalties, and reimbursement for the landowner for unpaid rent if the mobile home is located on leased land.

In the case of an abandoned mobile home that is unfit for human habitation, a town can file a verified complaint requesting the court approve transfer of that mobile home to the town without public sale. A court will approve such a request if it finds that the town meets the requirements listed above and also proves that the mobile home is "unfit for human habitation." In deciding whether the mobile home is unfit for human habitation, the court must consider the functionality of appliances, plumbing and electrical fixtures, wiring, heating systems, and whether the mobile home is structurally sound, weather-tight and free of trash, debris, filth, and pests.

The legal proceedings described above are complex and involve important property interests. Therefore, towns contemplating one of these courses of action should work closely with an attorney to ensure for a fair, legitimate, and defensible outcome.

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