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DISASTER RECOVERY FOR MOBILE HOME RESIDENTS

1. Introduction

After a hurricane passes, it is not unusual to see hundreds of mobile homes overturned, torn apart or seriously damaged. Mobile home residents are usually the first to be ordered to evacuate their homes prior to the arrival of a storm. After the storm, one of the biggest challenges for legal services providers is to find those who are unable to return to their homes. For those who provide services to mobile park residents it is important to engage in “proactive” advocacy as soon as practicable.

2. Immediate Action Steps

A. Conduct a “windshield survey” of your area’s mobile home parks.

Determine which ones have been completely destroyed and which ones are likely to be up and running soon.

B. Key Contacts - Contact your local county administrator’s office, Florida Division of Emergency Management, FEMA and your local long term recovery organization. Request that they share with you their official assessment of damage to the local housing inventory. These agencies usually develop official counts of the number of damaged and destroyed mobile homes in each municipality.

C. Get Involved in the Recovery - Attend initial meetings at your local division of emergency management office and local long term recovery

organization. At these meetings you will be able to access important information regarding the number of persons in the county's shelters, and locations for delivery of water and ice to residents. Make sure that services are delivered at locations where individuals of diverse races, languages and income levels will be welcome. For example, if water and ice are being handed out at a police station, it is likely that some individuals will not be comfortable going there.

D. Advocate for those Likely to be Overlooked – Make sure that plans are made to identify and serve mobile home park residents located in rural or remote areas. If there are language barriers, advocate for the appropriate agencies to designate bilingual staff to reach these individuals.

E. Advocate for the Right of Return – Regardless of the temporary housing arrangements that are made, be sure to advocate for the right of mobile home residents to return to their communities. Advocate for “one for one” replacement of mobile homes (see below).

3. Key Legal Issues Facing Mobile Home Residents after a Hurricane

The Florida Mobile Home Act, F.S. 723.002, *et seq.*, protects owners of mobile home who rent a lot in a mobile home park lot in which 10 or more lots are offered for rent. The Mobile Home Act does not cover those who live in RV's or rent mobile homes. The following are answers to some of the questions that often arise after a hurricane.

How do I know if a resident's 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.

What happens if a client rents the mobile home and the mobile home lot?

That person is covered under the Florida Residential Landlord Tenant Act.

If the mobile home is destroyed, does the owner of a mobile home still have to pay lot rent?

Yes, because a mobile home owner rents the land upon which the mobile home was placed, he/she is obligated to pay rent in order to maintain possession of the lot.

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 parties have a written agreement governing this issue. If there is no written agreement, the parties' responsibilities are governed by F.S. 723.023 which states that:

- 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 (ie: destroyed utility sheds, mobile home parts, furniture etc.)

What happens if the mobile home owner is unable to take care of the debris on his/her lot?

Many mobile home owners are elderly, disabled or lack the resources to remove large amounts of debris. This is why it is important for advocates to pressure the authorities into creating a one for one replacement program with FEMA. Under the one for one replacement program, FEMA will clean up the debris on the mobile home lot and install a FEMA travel trailer or mobile home on the same lot. In most cases, the residents of the destroyed mobile home are able to remain on their lot with little disruption to their lives.

However, the one for one replacement program requires collaboration/coordination between the park owner, county and/or local government and FEMA. It is important for advocates to initiate this dialogue with the agencies immediately after the storm and before FEMA moves the mobile home residents away from their mobile home park.

What kind of benefits will FEMA provide mobile home owners?

After a mobile home owner applies for FEMA benefits, he or she should make every effort to be present when FEMA comes around to inspect the mobile home. The mobile home owner should be advised to take pictures of the mobile home and its contents and to provide the FEMA agent any information he/she may have regarding the value of his/her losses. These photos and information may be crucial if the mobile home owner needs to file an appeal.

In most cases, the FEMA agent will assess the cost of repairs and provide the mobile home owner up to \$5,100 for repairs. However, with older, more vulnerable 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 be awarded up to \$12,500 for “loss of housing unit”. If the mobile home is initially declared “repairable” but the client believes 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.¹

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

If the resident of the mobile home is renting the mobile home, he or she is classified as a renter. The mobile home “tenant” is entitled to receive funds for loss of personal property and rental assistance. When the mobile home is being leased, the owner of the mobile home is not entitled to any FEMA benefits because the dwelling was not his/her primary place of residence.

In mobile home rental situations, it is important to inquire into the nature of the relationship between the mobile home “tenant” and the owner. Often, mobile home tenants are leasing these units under a “rent to own” arrangement. If this is the case, the advocate for the tenant should appeal to FEMA to reclassify the mobile home “tenant” as a homeowner.

¹ As a practical matter, advocates who seek to obtain a reclassification of a unit as “destroyed” should enlist the help of the local DEM housing coordinator and/or the FEMA area representative. In these situations, they can usually bypass the regular FEMA appeals process and the long wait that is associated with it.

4. Recertification and Long Term Housing Issues

A. Recertification – Individuals who receive temporary housing in the form of FEMA travel trailers or mobile homes are required to recertify their status every 30 days. The recertification process involves verification of their continued eligibility as well as their long term housing plans. Individuals who fail to recertify on a timely basis are subject to termination of their temporary housing benefits. Advocates should remind FEMA recipients of the need to meet regularly with their FEMA housing workers.

B. The FEMA Sales Program – The FEMA sales program allows disaster victims to purchase a FEMA travel trailer or mobile home at a reduced price. The travel trailer or mobile home must be used as a permanent residence and can not be transferred or sold to a third party for a period of one year from the date of purchase. The person purchasing the travel trailer or mobile home must provide proof of insurance as well as proof of access to property on which the mobile home will be located (*i.e.*, a letter from a mobile home park manager stating that the individual has been approved for residency at a mobile home park).

The price of a FEMA travel trailer or mobile home varies from household to household. The sales program guidelines indicate that a FEMA recipient's income, household size and amount of disaster assistance received are the most important factors in calculating the sales price of the mobile home and eligibility for the sales program. Therefore, it is important to advise individuals who are interested in purchasing a FEMA mobile home to save as much of their FEMA

assistance as possible so that they will have the funds needed to purchase the mobile home.

In recent years, FEMA has created a non-profit trailer donation program for those individuals who are unable to qualify for the FEMA sales program. This program usually begins at the end of the 18 month temporary housing program. FEMA “donates” mobile homes to local non-profits. In consideration for the “donation” the non-profit agrees that the units will be used exclusively to house disaster victims for a period of one year. When the one year period expires, the non-profits are allowed to transfer ownership of the mobile homes directly to the disaster victims.

C. Long Term Housing Issues – It is not unusual for mobile home park owners to view the destruction of a mobile home park as an opportunity for “urban renewal”. Advocates for mobile home park residents should be on the look out for any proposed change in zoning applications by mobile home park owners. F.S. 723.083 provides very specific requirements for approval of a change in zoning including a finding that there is comparable housing available in the area where the mobile home park residents could relocate. Furthermore, the park has to give written notice to all residents within 5 days of filing an application to change the park’s zoning. F.S. 723.081. Low income mobile home park residents are especially vulnerable in these situations. The advocate should make every effort to preserve one of Florida’s last forms of affordable housing.