

SENATE BILL 1185

By Swann

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 55, Chapter 4, Part 4 and Title 66, relative to
mobile homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 29, is amended by adding
the following as a new part:

66-29-401.

As used in this part:

(1) "Apparent owner" means a person whose name appears on the
records of a holder as the owner of property held, issued, or owing by the holder;

(2) "Lender" means the entity, including a savings and loan association
or bank, that provided the financing to purchase the mobile home;

(3) "Lot owner" means the individual or entity, or an agent of the
individual or entity, that owns or manages the property, including a mobile home
park, on which the mobile home is located;

(4) "Mobile home":

(A) Means:

(i) A self-propelled or nonself-propelled vehicle, with a
length exceeding thirty-five feet (35'), designed, constructed,
reconstructed, or added to by means of accessories in a manner
to permit the use thereof for human habitation, and constructed to
permit its being used as a conveyance upon public streets or
highways; or

(ii) A manufactured house or portable modular unit in excess of eight feet six inches (8'6") in width, or when towing vehicle and manufactured home are in excess of sixty feet (60') in length; and

(B) Does not include a mobile home owned by the lot owner; and

(5) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, instrumentality, or other legal entity.

66-29-402.

(a)

(1) If an individual has not paid off the remaining balance for the mobile home in which the individual lives, a lot owner that initiates an eviction of the individual living in a mobile home on the lot owner's property shall provide notice to the lender of the pending eviction. The notice must include the date by which the individual being evicted must leave the mobile home.

(2) If the individual who the lot owner sought to evict is permitted to remain in the mobile home beyond the date provided in the notice pursuant to subdivision (a)(1), then the lot owner shall provide notice to the lender of the following:

(A) The new date by which the individual is required to leave the mobile home, if the individual is still required to leave prior to the expiration of the individual's lease or other rental agreement; or

(B) That the individual is no longer being evicted and the requirements of subsection (b) do not apply unless a new eviction proceeding is initiated.

(b) The lender shall move the mobile home from the lot owner's property within thirty (30) calendar days of the date on which the lender received the notice required by subdivision (a)(1) or (a)(2)(A).

(c)

(1) If a lender fails to move a mobile home as required by subsection (b), then the lot owner may require the lender to pay rent for the lot on which the mobile home is located until the mobile home is moved. The rent charged must not be more than the average rent charged for a comparable lot in the county in which the property is located.

(2) A lot owner may bring a civil suit in a court of competent jurisdiction to seek payment of rent from the lender. A court that finds that a lender failed to pay the required rent may award the full amount of unpaid rent to the lot owner and reasonable costs and attorneys' fees.

66-29-403.

(a) A mobile home is presumed abandoned by the individual who was evicted or the apparent owner if the individual or apparent owner does not move the mobile home within ten (10) days of the eviction from the lot owner's property.

(b) The lot owner may sell the mobile home at public auction after giving notice:

(1) Of the time and place of sale, at least ten (10) calendar days prior to the date of sale, in a newspaper of general circulation within the county where the mobile home is located, or on the lot owner's website;

(2) To the individual who was evicted; and

(3) To any other apparent owner of the mobile home.

(c)

(1) The lot owner may use the moneys resulting from the sale of the mobile home to pay for unpaid rent, damages, legal costs, or other costs incurred by the lot owner as a result of the abandoned mobile home.

(2) The lot owner shall give the remaining moneys left after payment of the costs described in subdivision (c)(1) to the apparent owner of the mobile home.

(d) The lot owner may:

(1) Allow the purchaser of the mobile home to keep the mobile home on the lot owner's property, including for purposes of habitation in the mobile home;
or

(2) Require the purchaser of the mobile home to move the mobile home upon completion of its sale to the new purchaser.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.