Pennsylvania Manufactured Housing Caselaw

Listed below are cases relevant to the Manufactured Home Community Rights Act (MHCRA), or other statutes relevant to manufactured homes, in chronological order. Please note that most of these cases have not been decided under the MHCRA, but rather under prior versions of the statute or other statutes, so please consider carefully the changes to the statute. This list is not exhaustive (for instance, it does not include any zoning cases), but is a good starting point.

Pennsylvania Manufactured Housing Caselaw:

1. Malvern Courts v. Stephens 419 A.2d 21 (Pa. Super. Ct. 1980)

   Held: The notice procedure found in the statute is exclusive and requires strict adherence.

   Important quote: "The purpose of this legislation is to give special protection to mobile home owners in mobile home parks. One reason for the distinction between mobile home park owners and other landlords is the hybrid type of property relationship that exists between the tenant who owns the home and the landlord who rents only the lot on which the mobile home sits. In most instances a mobile home owner in a park is required to remove the wheels and anchor the home to the ground in order to facilitate connections with electricity, water and sewerage. Thus it is only at substantial expense that a mobile home can be removed from a park with no ready place to go. The legislature, while recognizing the right of the mobile home park owner to establish and publish reasonable rules and regulations relating to tenants in the park, has sought to prevent arbitrary evictions at a substantial expense to park residents."

2. Semak v. Fiumara 47 Pa. D. & C 3d 440, 443 (Pa. Com. Pl. 1986)

   Held: If a proper first notice for eviction for rule violation is given, then "eviction proceedings may thereafter be commenced within 60 days of a second or subsequent violation – without further notice"

   But see: Davis v. Ellis, No. 11121 of 2007, Order of Court of February 29, 2008 (C.P. Bedford) (action was not filed within 60 days of last violation)

3. Mid-Island Properties, inc. v. Manis 570 A.2d 1070 (Pa. Super. Ct. 1990)

   Held: An individual evicted for protesting the landlord's actions is not protected by the Landlord and Tenant Act of 1951 where he acted alone, rather than as a part of a tenants' association.

   Note: This case highlights the importance of forming or joining a tenants' association if a resident wants to protest the community owner's actions.

4. Midway Terrace, Inc. v. Foley 635 A.2d 191 (Pa. Super. Ct. 1993)

Held: Charging the same lot rent for lots of varying sizes does not violate the rule that "[a]ll rules or rental charges shall be uniformly applied to all mobile home residents or prospective mobile home residents of the same or similar category."

5. Sisco v. Luppert 28 Pa. D. & C 4th 168 (Pa. Com. Pl. 1993)

Held: The Utility Service Tenant's Rights Act (USTRA) applies to boarding homes and broadly to other residences, including manufactured homes USTRA protects tenants from utility shut-offs when their landlords do not pay the utility bills.

6. Cole v. Czegan 722 A.2d 686 (Pa. Super. 1998)

Held: That a resident cannot be evicted simply because the lease has expired. The case also holds that the legal right to protection from retaliatory eviction only applies to a resident who has asserted rights in his own lot, not in a different lot.

7. Staley v. Bouril 553 Pa. 112 (Pa. 1998)

Held: A limited implied warranty of habitability applies to a resident of a manufactured home community.

Important quote: "We also recognize that landlords of mobile home parks, like other landlords, generally have far greater bargaining power than their tenants. … [T]o the extent that the landlord of a mobile home park chooses to provide utilities and other housing services, and charges tenants rent in exchange therefor, the landlord impliedly warrants to maintain the services according to applicable state and local regulations. … [T]his limited implied warranty of habitability and the tenant's obligation to pay rent are mutually dependent, so that 'a material breach of one of these obligations will relieve the obligation of the other so long as the breach continues.'"

8. Nuss Home Park v. Breiner 2003 WL 25460454 (Pa. Com. Pl. 2003)

Held: A homeowner may not be evicted for violation of the park rules where the rules would be interpreted inconsistently with township regulations, and where the homeowner attempted to comply but could not because of community owner's actions.

9. Lazor v. Board of Assessment Appeals of Armstrong County 986 A.2d 219 (Pa. Cmwlth. 2009)

Held: A mobile home can be taxed as real estate and discusses the relevant factors, such as permanency of affixation to ground.

See also: Gelormino v. Board of Assessment Appeals of Armstrong County 986 A.2d 222 (Pa. Cmwlth. Ct. 2009)

10. Davis v. Ellis Bedford County Ct. of Com. Pleas No. 1121 for the year 2007 (2007)

Held: Where the eviction action was filed with the Magisterial District Judge more than 60 days from the notice of the second violation, the MDJ lacks subject matter jurisdiction, and the case cannot proceed.

11. Adams v. Palmyra Homes Lebanon County Ct. of Com. Pleas No. 2011-00531 (2011)

Held: Enjoins enforcement of lease terms that create a 30 day termination of lease period, and the requirement that the homeowners purchase new heating systems from a certain vendor.

Also Held: The Notice to Quit found in the Landlord and Tenant Act is not required in manufactured home communities, due to a provision in the Landlord and Tenant Act, 68 P.S. §250.501(a). However, this case never acknowledges another Landlord and Tenant Act provision, 68 P.S. §250.501(c), which specifically refers to notices in manufactured home communities.

12. Perano v. ORD Sewer Authority, No. 2123 C.D. 2011. (Pa Cmwlth. Ct. 2012)

Held: Sewer authority may require the community owner to connect to the sewer system, and may charge for use even if they are not connected. Further, the sewer authority may disconnect the water if the community does not connect to the sewer system.

Cases That Are No Longer Good Law:

Childs Instant Homes, Inc. v. Miller 611 A.2d 1208 (Pa. Super. 1992), and
Lincoln Warehouses, Inc. v. Crompton 657 A.2d 994, (Pa. Super. 1995)

Held: Where the mobile home lease had expired and not been renewed, the statute did not apply and the homeowner could be ejected, as opposed to evicted.

Overruled by: Statutory amendment. The MHCRA only allows community owners to not renew their leases for the same four reasons the homeowner can be evicted. 68 P.S. § 398.3. Also, by amendments to the Landlord and Tenant Act of 1951. 68 P.S. § 250.501(c). This provision states that the "only basis for recovery of a mobile home space by an owner . . .shall be" those specified under 68 P.S. § 398.3, i.e.: failure to pay rent; multiple violations of community rules within 6 months; change in use of all or part of the community; or termination of the community.