

**MOBILE HOME PARK RESIDENCY ACT**

**AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ed P. Mayne**

**This act modifies the Mobile Home Park Residency Act. The act modifies the requirements of each lease agreement for the rental of mobile home park space. The act allows that controversies related to interpretation or changes in rules arising between mobile home park owner and resident shall have the option of being submitted to mediation and arbitration. The act regulates the date upon which a late fee for nonpayment of rent may be assessed and the amount of the fee. The act requires that space or facilities in a mobile home park reserved for renter-specific use may not be changed by the mobile home park owner for alternative use without the consent of the majority of residents within the park.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**57-16-4**, as last amended by Chapter 1, Laws of Utah 1997, First Special Session

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **57-16-4** is amended to read:

**57-16-4. Termination of lease or rental agreement -- Required contents of lease -- Increases in rents or fees -- Sale of homes.**

(1) A mobile home park or its agents may not terminate a lease or rental agreement upon any ground other than as specified in this chapter.

(2) (a) Each agreement for the lease of mobile home space shall be written and signed by the parties. ~~[Each]~~ Beginning July 1, 2001, each new or renewed lease shall contain at least the following information:

~~[(a)]~~ (i) the name and address of the mobile home park owner and any persons authorized to act for the owner, upon whom notice and service of process may be served;

28 ~~[(b) the type]~~ (ii) that the initial lease is a term lease, and the specific term of the  
29 leasehold, ~~[and whether it be term or periodic]~~ subject to Subsection (2)(b);

30 ~~[(c) a]~~ (iii) conspicuously displayed full disclosure of all rent, service charges, and other  
31 fees presently being charged on a periodic basis;

32 ~~[(d)]~~ (iv) the date or dates on which the payment of rent, fees, and service charges are  
33 due[; and], subject to Subsection (3)(c);

34 ~~[(e)]~~ (v) all rules that pertain to the mobile home park which, if broken, may constitute  
35 grounds for eviction[;];

36 (vi) that any controversy related to interpretation or changes in rules, but not including  
37 controversies concerning eviction proceedings for nonpayment of rent, arising under this Title 57,  
38 Chapter 16, between mobile home park owner and resident that cannot be settled by a simple  
39 meeting of both parties shall have the option of being submitted for mediation with an independent  
40 party; and

41 (vii) that any controversy under Subsection (2)(a)(vi) that cannot be settled by mediation  
42 shall have the option of being submitted to arbitration with an independent party.

43 (b) Beginning July 1, 2001, each new or renewed agreement for the lease of mobile home  
44 space shall give the resident the option of a term of at least one year, which term is renewable at  
45 the option of the resident at the end of the first term, and thereafter, either renewable for the same  
46 term or changeable to a periodic term at the option of the mobile home park owner.

47 (3) (a) Increases in rent or fees for periodic tenancies shall be unenforceable until 60 days  
48 after notice of the increase is mailed to the resident. If service charges are not included in the rent,  
49 service charges may be increased during the leasehold period after notice to the resident is given,  
50 and increases or decreases in electricity rates shall be passed through to the resident. Increases or  
51 decreases in the total cost of other service charges shall be passed through to the resident.

52 (b) The mobile home park may not alter the date or dates on which rent, fees, and service  
53 charges are due unless a 60-day written notice precedes the alteration.

54 (c) (i) Late fees for nonpayment of rent may be assessed only after the expiration of ten  
55 days after the due date.

56 (ii) Late fees on rental payments shall be reasonable, and in no case may exceed \$50.

57 (iii) A constable may be sent to collect a late rental payment only after the expiration of  
58 ten days after the due date.

59 (4) Any rule or condition of a lease purporting to prevent or unreasonably limit the sale  
60 of a mobile home belonging to a resident is void and unenforceable. The mobile home park may,  
61 however, reserve the right to approve the prospective purchaser of a mobile home who intends to  
62 become a resident, but the approval may not be unreasonably withheld. The mobile home park  
63 may require proof of ownership as a condition of approval. The mobile home park may  
64 unconditionally refuse to approve any purchaser of a mobile home who does not register prior to  
65 purchase.

66 (5) A mobile home park may not restrict a resident's right to advertise for sale or to sell  
67 his mobile home. However, the park may limit the size of a "for sale" sign affixed to the mobile  
68 home to not more than 144 square inches.

69 (6) A mobile home park may not compel a resident who desires to sell his mobile home,  
70 either directly or indirectly, to sell it through an agent designated by the mobile home park.

71 (7) In order to upgrade the quality of a mobile home park, it may require that a mobile  
72 home be removed from the park upon sale if:

73 (a) the mobile home does not meet minimum size specifications; or

74 (b) the mobile home is in rundown condition or in disrepair.

75 (8) Space or facilities in a mobile home park reserved for renter-specific use, such as club  
76 houses and storage facilities, may not be changed by the mobile home park owner for alternative  
77 use without the consent of the majority of residents within the park.

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**Legislative Review Note**  
**as of 1-29-01 10:53 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**