

Representative Phil Riesen proposes the following substitute bill:

MOBILE HOME OWNERS' RIGHTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Phil Riesen

Senate Sponsor: Karen Mayne

Cosponsors: Janice M. Fisher Steven R. Mascaro

LONG TITLE

General Description:

This bill addresses the provision of notice to a resident of a mobile home park before the resident may be required to vacate the park because of a change in land use or condemnation.

Highlighted Provisions:

This bill:

- requires nine months notice before a lease may be terminated or a resident may be forced to vacate a mobile home park because of a change in land use or condemnation;

- addresses the provision of notice of certain governmental proceedings surrounding a change in land use or condemnation;

- addresses the provision of notice to a resident who is not a resident of the mobile home park at the time notice is initially given of a change in land use or condemnation;

- provides ~~Ĥ→ [a limitation on the amount which rent may increase for a mobile home space]~~ **that rent may not increase** ←Ĥ during the period between the provision of notice of a change in land use or condemnation and the day on which the resident is required to vacate the mobile



26 home park;

27 ▶ forbids ordinances by a town, city, or county concerning the closure of a mobile

28 home park because of a change in land use or condemnation; and

29 ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **57-16-6**, as last amended by Laws of Utah 2001, Chapter 256

37 ENACTS:

38 **57-16-18**, Utah Code Annotated 1953

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

41 Section 1. Section **57-16-6** is amended to read:

42 **57-16-6. Action for lease termination -- Prerequisite procedure.**

43 A legal action to terminate a lease based upon a cause set forth in Section 57-16-5 may
44 not be commenced except in accordance with the following procedure:

45 (1) Before issuance of any summons and complaint, the mobile home park shall send
46 or serve written notice to the resident or person:

47 (a) by delivering a copy of the notice personally;

48 (b) by sending a copy of the notice through registered or certified mail addressed to the
49 resident or person at the person's place of residence;

50 (c) if the resident or person is absent from the person's place of residence, by leaving a
51 copy of the notice with some person of suitable age and discretion at the individual's residence
52 and sending a copy through registered or certified mail addressed to the resident or person at
53 the person's place of residence; or

54 (d) if a person of suitable age or discretion cannot be found, by affixing a copy of the
55 notice in a conspicuous place on the resident's or person's mobile home and also sending a copy
56 through registered or certified mail addressed to the resident or person at the person's place of

57 residence.

58 (2) The notice required by Subsection (1) shall set forth:

59 (a) the cause for the notice and, if the cause is one which can be cured, the time within
60 which the resident or person has to cure~~[-The notice shall also set forth]; and~~

61 (b) the time after which the mobile home park may commence legal action against the
62 resident or person if cure is not effected, as follows:

63 ~~[(a)]~~ (i) In the event of failure to abide by a mobile home park rule, the notice shall
64 provide for a cure period as provided in Subsections 57-16-5(1)(a) and (2), except in the case
65 of repeated violations and, shall state that if a cure is not timely effected, or a written
66 agreement made between the mobile home park and the resident allowing for a variation in the
67 rule or cure period, eviction proceedings may be initiated immediately.

68 ~~[(b)]~~ (ii) If a resident, a member, or invited guest or visitor of the resident's household
69 commits repeated violations of a rule, a summons and complaint may be issued three days after
70 a notice is served.

71 ~~[(c)]~~ (iii) If a resident, a member, or invited guest or visitor of the resident's household
72 behaves in a manner that threatens or substantially endangers the well-being, security, safety, or
73 health of other persons in the park or threatens or damages property in the park, eviction
74 proceedings may commence immediately.

75 ~~[(d)]~~ (iv) If a resident does not pay rent, fees, or service charges, the notice shall
76 provide a five-day cure period and, that if cure is not timely effected, or a written agreement
77 made between the mobile home park and the resident allowing for a variation in the rule or
78 cure period, eviction proceedings may be initiated immediately.

79 ~~[(e) If there is a planned change in land use or condemnation of the park, the notice
80 shall provide that the resident has 90 days after receipt of the notice to vacate the mobile home
81 park if no governmental approval or permits incident to the planned change are required, and if
82 governmental approval and permits are required, that the resident has 90 days to vacate the
83 mobile home park after all permits or approvals incident to the planned change are obtained.]~~

84 ~~[(3) If the planned change in land use or condemnation requires the approval of a
85 governmental agency, the mobile home park, in addition to the notice required by Subsection
86 (2)(e), shall send written notice of the date set for the initial hearing to each resident at least
87 seven days before the date scheduled for the initial hearing.]~~

88 ~~[(4) Regardless of whether the change of use requires the approval of any~~
 89 ~~governmental agency, if the resident was not a resident of the mobile home park at the time the~~
 90 ~~initial change of use notice was issued to residents the owner shall give notice of the change of~~
 91 ~~use to the resident before he occupies the mobile home space.]~~

92 (v) If a lease is terminated because of a planned change in land use or condemnation of
 93 the park or a portion of the park, the notice required by Section 57-16-18 serves as notice of the
 94 termination of the lease.

95 ~~[(5)]~~ (3) (a) Eviction proceedings commenced under this chapter and based on causes
 96 set forth in Subsections 57-16-5(1)(a), (b), and (e) shall be brought in accordance with the Utah
 97 Rules of Civil Procedure and shall not be treated as unlawful detainer actions under Title 78,
 98 Chapter 36, Forcible Entry and Detainer.

99 (b) Eviction proceedings commenced under this chapter and based on causes of action
 100 set forth in Subsections 57-16-5(1)(c) and (d) may, at the election of the mobile home park, be
 101 treated as actions brought under this chapter and the unlawful detainer provisions of Title 78,
 102 Chapter 36, Forcible Entry and Detainer.

103 ~~[(6)]~~ (c) If unlawful detainer is charged, the court shall endorse on the summons the
 104 number of days within which the defendant is required to appear and defend the action, which
 105 shall not be less than five days or more than 20 days from the date of service.

106 Section 2. Section **57-16-18** is enacted to read:

107 **57-16-18. Notice required for change in land use or condemnation -- Local**
 108 **ordinances forbidden.**

109 (1) (a) The owner of a mobile home park shall send notice using first-class mail to each
 110 resident of the mobile home park of any planned change in land use or condemnation of the
 111 park or any portion of the park at least nine months before the day on which the resident is
 112 required to vacate the mobile home park.

113 (b) Subsection (1)(a) does not apply to a mobile home park condemned by ~~H~~→ [the
 114 **Department of Transportation] a government entity ←~~H~~ .**

115 (2) If the planned change in land use or condemnation requires the approval of a
 116 governmental agency, the mobile home park owner, in addition to the notice required by
 117 Subsection (1), shall send notice using first-class mail of the date set for the initial hearing
 118 before the governmental agency to each resident at least seven days before the date scheduled

119 for the initial hearing.

120 (3) If a resident is not a resident of the mobile home park at the time notice was sent
 121 under Subsection (1), the owner shall give written notice, of the change of use to the resident
 122 before the resident occupies the mobile home space, either by first-class mail or personal
 123 service.

124 (4) (a) During the period of time between the provision of notice under Subsection (1)
 125 and the day on which the resident is required to vacate the mobile home park, the mobile home
 126 park owner may ~~not~~ increase rent ~~[no more than twice the percentage amount~~
 126a of any increase in the
 127 Consumer Price Index] .

128 ~~\hat{H} → [(b) The Consumer Price Index used in calculating a rent increase under Subsection~~
 129 ~~(4)(a) is the monthly United States Bureau of Labor Statistics Consumer Price Index Average~~
 130 ~~for All Urban Consumers.] $\leftarrow\hat{H}$~~

131 (5) A town, city, or county may not enact any ordinance governing \hat{H} → [the notices required
 132 to mobile home park residents concerning] $\leftarrow\hat{H}$ the closure of a mobile home park \hat{H} → [because of a
 133 change in land use or condemnation] $\leftarrow\hat{H}$.

H.B. 48 1st Sub. (Buff) - Mobile Home Owners' Rights

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
