

Representative LaVar Christensen proposes the following substitute bill:

MOBILE HOME PROPERTY RIGHTS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Mobile Home Park Residency Act.

Highlighted Provisions:

This bill:

- ▶ modifies a mobile home park's entitlement to summary judgment if a resident fails to pay rent;
- ▶ requires all actions taken in accordance with the Mobile Home Park Residency Act to be performed in good faith;
- ▶ provides equitable remedies for a lease provision that a court determines is unfair, inequitable, or unconscionable; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-16-7.5, as enacted by Laws of Utah 1997, Chapter 114



26 57-16-11, as enacted by Laws of Utah 1981, Chapter 178



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 57-16-7.5 is amended to read:

30 **57-16-7.5. Payment of rent required after notice.**

31 (1) ~~[(a) Any]~~ A resident shall continue to pay the mobile home park all rent required by
32 the lease after ~~[having been]~~ the resident is served with ~~[any]~~ a notice pursuant to this chapter,
33 except a notice for nonpayment of rent.

34 (2) A resident does not waive any claim, defense, or right available under this chapter
35 or otherwise provided by law, including setoff, by paying rent described in Subsection (1).

36 ~~[(b)]~~ (3) In cases not involving payment of rent, the mobile home park may accept rent
37 without waiving any rights under this chapter.

38 ~~[(2) If the resident fails to pay rent, the mobile home park shall be entitled to summary~~
39 ~~judgment for:]~~

40 ~~[(a) the rent owed;]~~

41 ~~[(b) termination of the lease; and]~~

42 ~~[(c) restitution of the premises.]~~

43 ~~[(3) The summary judgment as provided in Subsection (2) shall be granted even if a~~
44 ~~five-day notice to pay or quit was not served, so long as another appropriate notice under this~~
45 ~~chapter has been served.]~~

46 Section 2. Section 57-16-11 is amended to read:

47 **57-16-11. Rights and remedies not exclusive -- Rights reserved -- Obligation of**
48 **good faith.**

49 (1) The rights and remedies granted by this chapter are cumulative and not exclusive.

50 (2) A resident and a mobile home park retain all legal rights, claims, and defenses that
51 may otherwise exist to protect the interests of the resident or the mobile home park.

52 (3) (a) A person that performs a duty or act under this chapter, including a duty or act
53 that is required as a condition precedent to the exercise a right or remedy, shall perform the
54 duty or act in good faith.

55 (b) If a court finds that any part of a lease is unfair, inequitable, or unconscionable, the
56 court may:

- 57 (i) refuse to enforce the lease;
- 58 (ii) refuse to enforce the unfair, inequitable, or unconscionable provision; or
- 59 (iii) limit the application of a provision of the lease to avoid an unfair, inequitable, or
- 60 unconscionable result.