

Senator Daniel W. Thatcher proposes the following substitute bill:

MOBILE HOME PARK HELPLINE

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: R. Curt Webb

LONG TITLE

General Description:

This bill modifies the Mobile Home Park Residency Act and enacts the Mobile Home Park Helpline.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes a helpline to assist a resident, a mobile home owner, or a park owner with disputes related to the Mobile Home Park Residency Act;
- ▶ requires a mobile home park owner to post a notice that includes:
 - a summary of the rights and responsibilities described in the Mobile Home Park Residency Act; and
 - information on how to use the helpline;
- ▶ provides that the Office of the Attorney General shall contract with an independent person to administer the helpline; and
- ▶ provides that the provisions of this bill relating to the Mobile Home Park Helpline sunset on October 1, 2017.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:



- 26 ▶ to the Office of the Attorney General, as a one-time appropriation:
- 27 • from the General Fund, \$35,000.

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **57-16-4**, as last amended by Laws of Utah 2009, Chapter 94

33 **63I-1-257**, as last amended by Laws of Utah 2014, Chapter 177

34 ENACTS:

35 **57-16a-101**, Utah Code Annotated 1953

36 **57-16a-102**, Utah Code Annotated 1953

37 **57-16a-201**, Utah Code Annotated 1953

38 **57-16a-202**, Utah Code Annotated 1953

39 **57-16a-203**, Utah Code Annotated 1953



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

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

43 **57-16-4. Termination of lease or rental agreement -- Required contents of lease --**
44 **Increases in rents or fees -- Sale of homes -- Notice regarding planned reduction or**
45 **restriction of amenities.**

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

48 (2) Each agreement for the lease of mobile home space shall be written and signed by
49 the parties.

50 (3) Each lease shall contain at least the following information:

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

53 (b) the type of the leasehold, whether it be term or periodic, and, in leases entered into
54 on or after May 6, 2002, a conspicuous disclosure describing the protection a resident has
55 under Subsection (1) against unilateral termination of the lease by the mobile home park except
56 for the causes described in Section **57-16-5**;

57 (c) (i) a full disclosure of all rent, service charges, and other fees presently being
58 charged on a periodic basis; and

59 (ii) a full disclosure of utility infrastructure owned by the mobile home park owner or
60 its agent that is maintained through service charges and fees charged by the mobile home park
61 owner or its agent;

62 (d) the date or dates on which the payment of rent, fees, and service charges are due;
63 and

64 (e) all rules that pertain to the mobile home park that, if broken, may constitute
65 grounds for eviction, including, in leases entered into on or after May 6, 2002, a conspicuous
66 disclosure regarding:

67 (i) the causes for which the mobile home park may terminate the lease as described in
68 Section 57-16-5; and

69 (ii) the resident's rights to:

70 (A) terminate the lease at any time without cause, upon giving the notice specified in
71 the resident's lease; and

72 (B) advertise and sell the resident's mobile home.

73 (4) (a) Increases in rent or fees for periodic tenancies are unenforceable until 60 days
74 after notice of the increase is mailed to the resident.

75 (b) If service charges are not included in the rent, the mobile home park may:

76 (i) increase service charges during the leasehold period after giving notice to the
77 resident; and

78 (ii) pass through increases or decreases in electricity rates to the resident.

79 (c) Annual income to the park for service charges may not exceed the actual cost to the
80 mobile home park of providing the services on an annual basis.

81 (d) In determining the costs of the services, the mobile home park may include
82 maintenance costs related to those utilities that are part of the service charges.

83 (e) The mobile home park may not alter the date on which rent, fees, and service
84 charges are due unless the mobile home park provides a 60-day written notice to the resident
85 before the date is altered.

86 (5) (a) Except as provided in Subsection (3)(b), a rule or condition of a lease that
87 purports to prevent or unreasonably limit the sale of a mobile home belonging to a resident is

88 void and unenforceable.

89 (b) The mobile home park:

90 (i) may reserve the right to approve the prospective purchaser of a mobile home who
91 intends to become a resident;

92 (ii) may not unreasonably withhold that approval;

93 (iii) may require proof of ownership as a condition of approval; or

94 (iv) may unconditionally refuse to approve any purchaser of a mobile home who does
95 not register before purchasing the mobile home.

96 (6) If all of the conditions of Section 41-1a-116 are met, a mobile home park may
97 request the names and addresses of the lienholder or owner of any mobile home located in the
98 park from the Motor Vehicle Division.

99 (7) (a) A mobile home park may not restrict a resident's right to advertise for sale or to
100 sell a mobile home.

101 (b) A mobile home park may limit the size of a "for sale" sign affixed to the mobile
102 home to not more than 144 square inches.

103 (8) A mobile home park may not compel a resident who wishes to sell a mobile home
104 to sell it, either directly or indirectly, through an agent designated by the mobile home park.

105 (9) A mobile home park may require that a mobile home be removed from the park
106 upon sale if:

107 (a) the mobile home park wishes to upgrade the quality of the mobile home park; and

108 (b) the mobile home either does not meet minimum size specifications or is in a
109 rundown condition or is in disrepair.

110 (10) Within 30 days after a mobile home park proposes reducing or restricting
111 amenities, the mobile home park shall:

112 (a) schedule at least one meeting for the purpose of discussing the proposed restriction
113 or reduction of amenities with residents; and

114 (b) provide at least 10 days advance written notice of the date, time, location, and
115 purposes of the meeting to each resident.

116 (11) If a mobile home park uses a single-service meter, the mobile home park owner
117 shall include a full disclosure on a resident's utility bill of the resident's utility charges.

118 (12) The mobile home park shall ~~[have a copy of this chapter]~~ ensure that the following

119 are posted at all times in a conspicuous place in a common area of the mobile home park[-]:

120 (a) a copy of this chapter; and

121 (b) a notice that:

122 (i) summarizes the rights and responsibilities described in this chapter;

123 (ii) includes information on how to use the helpline described in Title 57, Chapter 16a,

124 Mobile Home Park Helpline; and

125 (iii) is in a form approved by the Office of the Attorney General.

126 Section 2. Section 57-16a-101 is enacted to read:

127 **CHAPTER 16a. MOBILE HOME PARK HELPLINE**

128 **Part 1. General Provisions**

129 **57-16a-101. Title.**

130 (1) This chapter is known as the "Mobile Home Park Helpline."

131 (2) This part is known as "General Provisions."

132 Section 3. Section 57-16a-102 is enacted to read:

133 **57-16a-102. Definitions.**

134 As used in this chapter:

135 (1) "Act" means Title 57, Chapter 16, Mobile Home Park Residency Act.

136 (2) "Administrator" means the person selected in accordance with the provisions of this
137 chapter to administer the helpline.

138 (3) "Helpline" means a direct public telephone number that a resident, a mobile home
139 owner, or a park owner may call with inquiries related to the act.

140 (4) "Mobile home" means a transportable structure in one or more sections with the
141 plumbing, heating, and electrical systems contained within the unit, that when erected on a site
142 may be used with or without a permanent foundation as a dwelling unit.

143 (5) "Mobile home lot" means an area within a mobile home park designed to
144 accommodate one mobile home.

145 (6) "Mobile home owner" means a person who:

146 (a) owns a mobile home; and

147 (b) leases or rents from a park owner the mobile home lot on which the mobile home is
148 located.

149 (7) "Mobile home park" means any tract of land on which two or more lots are leased,

150 or offered for lease or rent, to accommodate mobile homes for residential purposes.

151 (8) "Park owner" means a person who owns a mobile home park, including the person's
152 agent.

153 (9) "Resident" means a person who leases or rents a mobile home from the mobile
154 home owner.

155 Section 4. Section **57-16a-201** is enacted to read:

156 **Part 2. Helpline Administration and Process**

157 **57-16a-201. Title.**

158 This part is known as "Helpline Administration and Process."

159 Section 5. Section **57-16a-202** is enacted to read:

160 **57-16a-202. Helpline administration.**

161 (1) A helpline is created to assist a resident, a mobile home owner, or a park owner
162 with disputes related to the act.

163 (2) The Office of the Attorney General shall oversee the administration of the helpline
164 in accordance with the provisions of this part.

165 (3) In overseeing the helpline, the Office of the Attorney General shall:

166 (a) no later than June 1, 2015, issue a request for proposals for an administrator in
167 accordance with Title 63G, Chapter 6a, Utah Procurement Code, and the provisions of this
168 chapter;

169 (b) before October 1, 2015, execute a contract with the person to whom the contract is
170 awarded in the request for proposals process; and

171 (c) pay the administrator using money appropriated by the Legislature for that purpose.

172 (4) The request for proposals described in Subsection (3)(a) shall include a requirement
173 that the administrator be an active member of the Utah State Bar.

174 (5) The helpline administrator shall:

175 (a) receive and respond to calls made through the helpline;

176 (b) inform a resident, a mobile home owner, or a park owner who calls the helpline of
177 the rights and responsibilities described in the act;

178 (c) receive complaints through the helpline from a resident, a mobile home owner, or a
179 park owner that allege a violation of the act;

180 (d) at the administrator's discretion, make a recommendation regarding whether the

181 complaint alleges a violation of the act;

182 (e) create a record of each call that includes:

183 (i) the caller's name and contact information;

184 (ii) the subject of the call, including whether the call alleges a violation of the act;

185 (iii) if the call alleges a violation of the act, the respondent's name and contact
186 information;

187 (iv) information regarding whether a respondent was contacted and the respondent's
188 response to the alleged violation; and

189 (v) the administrator's recommendation, if applicable;

190 (f) maintain a record described in Subsection (5)(e) for at least one year after the day
191 on which the administrator creates the record; and

192 (g) beginning in 2016, on or before November 30 of each year, submit to the Political
193 Subdivisions Interim Committee a report that, for the 12 months before the day on which the
194 administrator submits the report, states:

195 (i) the number of calls that the administrator received through the helpline;

196 (ii) a brief summary of each call, including:

197 (A) whether a resident, a mobile home owner, or a park owner made the call;

198 (B) the subject of the call; and

199 (C) the administrator's recommendation, if applicable; and

200 (iii) any recommendations regarding changes to the helpline or the act.

201 Section 6. Section **57-16a-203** is enacted to read:

202 **57-16a-203. Helpline process.**

203 (1) A resident, a mobile home owner, or a park owner may contact the administrator
204 through the helpline regarding the rights and responsibilities described in the act.

205 (2) The administrator shall disclose to any person who contacts the administrator that
206 the administrator does not represent the person or any party to the dispute.

207 (3) If a resident, a mobile home owner, or a park owner alleges a violation of the act,
208 the administrator shall:

209 (a) attempt to contact and solicit a response from the respondent; and

210 (b) collect relevant information regarding the alleged violation from the complainant
211 and the respondent, including documents, photographs, drawings, sound recordings,

212 electronically stored information, and tangible items.

213 (4) After the administrator complies with the provisions of Subsection (3), the
214 administrator may make a recommendation regarding whether the allegation constitutes a
215 violation of the act.

216 (5) (a) If the administrator makes a recommendation under Subsection (4), the
217 administrator shall notify the complainant and respondent of the administrator's
218 recommendation.

219 (b) The administrator's recommendation is not subject to discovery and is not
220 admissible as evidence in a judicial proceeding.

221 Section 7. Section **63I-1-257** is amended to read:

222 **63I-1-257. Repeal dates, Title 57.**

223 (1) Subsections 57-1-25(1)(c), (3)(b), and (4) are repealed December 31, 2016.

224 (2) Subsection 57-16-4(12), on October 1, 2017, is modified to read as follows:

225 "(12) The mobile home park shall have a copy of this chapter posted at all times in a
226 conspicuous place in a common area of the mobile home park."

227 (3) Title 57, Chapter 16a, Mobile Home Park Helpline, is repealed October 1, 2017.

228 Section 8. **Appropriation.**

229 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
230 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
231 are appropriated from resources not otherwise appropriated, or reduced from amounts
232 previously appropriated, out of the funds or accounts indicated. These sums of money are in
233 addition to any amounts previously appropriated for fiscal year 2016.

234 To Office of the Attorney General - Attorney General Line Item

235 From General Fund, one-time \$35,000

236 Schedule of Programs:

237 Administration \$35,000

238 The Legislature intends that the Office of the Attorney General use funds appropriated
239 under this section to pay a person selected in accordance with Section 57-16a-202 to administer
240 the mobile home park helpline established in Title 57, Chapter 16a, Mobile Home Park
241 Helpline.

242 Under Section 63J-1-603, the Legislature further intends that appropriations provided

243 under this section not lapse at the end of fiscal year 2016. The use of any nonlapsing funds is
244 limited to administration of the mobile home park helpline described in Title 57, Chapter 16a,
245 Mobile Home Park Helpline.

246 Section 9. **Effective date.**

247 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

248 (2) Uncodified Section 8, Appropriation, takes effect on July 1, 2015.