

## SB0190S02 compared with SB0190S01

~~{deleted text}~~ shows text that was in SB0190S01 but was deleted in SB0190S02.

inserted text shows text that was not in SB0190S01 but was inserted into SB0190S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Daniel W. Thatcher}~~Representative R. Curt Webb 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

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#### 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;
- ▶ provides that the University of Utah S.J. Quinney College of Law shall create a law clinic to administer the helpline;
- ▶ requires a mobile home park owner to post a notice that includes:

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- 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}~~ July 1, 2017.

### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

- ▶ to the ~~{Office}~~ University of ~~{the Attorney General}~~ Utah, as a one-time appropriation:
  - from the General Fund, \$35,000.

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

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

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

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

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

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

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*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 -- Notice regarding planned reduction or restriction of amenities.**

- (1) A mobile home park or its agents may not terminate a lease or rental agreement

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upon any ground other than as specified in this chapter.

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

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

(a) 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;

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

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

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

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

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

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

(ii) the resident's rights to:

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

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

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

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

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

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

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

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

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

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

(b) The mobile home park:

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

(ii) may not unreasonably withhold that approval;

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

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

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

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

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

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

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

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

(b) the mobile home either does not meet minimum size specifications or is in a

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rundown condition or is in disrepair.

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

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

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

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

(12) The mobile home park shall ~~[have a copy of this chapter]~~ ensure that the following are posted at all times in a conspicuous place in a common area of the mobile home park[-]:

(a) a copy of this chapter; and

(b) a notice that:

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

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

Mobile Home Park Helpline; and

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

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

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

#### **Part 1. General Provisions**

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

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

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

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

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

As used in this chapter:

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

(2) "~~{Administrator} means the person selected~~ Assisting attorney" means a member of the Utah State Bar who the helpline administrator designates to assist in administering the helpline, in accordance with the provisions of this chapter~~{ to administer}~~.

(3) "Caller" means a resident, a mobile home owner, or a park owner who calls the

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helpline.

(~~3~~4) "Helpline" means a direct public telephone number that a resident, a mobile home owner, or a park owner may call with inquiries related to the act.

(~~4~~5) "Mobile home" means a transportable structure in one or more sections with the plumbing, heating, and electrical systems contained within the unit ~~that~~ that when erected on a site may be used with or without a permanent foundation as a dwelling unit.

(~~5~~6) "Mobile home lot" means an area within a mobile home park designed to accommodate one mobile home.

(~~6~~7) "Mobile home owner" means a person who:

(a) owns a mobile home; and

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

(~~7~~8) "Mobile home park" means any tract of land on which two or more lots are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes.

(~~8~~9) "Park owner" means a person who owns a mobile home park, including the person's agent.

(~~9~~10) "Resident" means a person who leases or rents a mobile home from the mobile home owner.

(11) "Supervised student" means a law student at the S.J. Quinney College of Law who, under the supervision of a member of the Utah State Bar, participates in the law clinic established under this chapter.

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

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

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

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

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

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

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

(2) The ~~Office~~University of Utah S.J. Quinney College of ~~the Attorney General~~Law shall ~~oversee the administration of~~ administer the helpline in accordance with

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the provisions of this ~~{part}~~ chapter.

(3) In ~~{overseeing}~~ administering the helpline, the ~~{Office}~~ S.J. Quinney College of Law shall:

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

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

~~\_\_\_\_\_ (c) pay the}~~ establish a phone number for the hotline; and

(b) create a law clinic that consists of:

(i) a helpline administrator {using money appropriated by the Legislature for that purpose;

~~\_\_\_\_\_ (4) The request for proposals described in Subsection (3)(a) shall include a requirement that the administrator be}~~ who is employed by the S.J. Quinney College of Law and is an active member of the Utah State Bar;

(ii) one or more supervised students; and

(iii) if necessary, one or more assisting attorneys.

~~{5}4~~ The helpline administrator, a supervised student, or an assisting attorney shall:

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

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

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

(d) at the helpline administrator's discretion {, make a recommendation regarding whether the complaint alleges a violation of the act} and with the caller's consent:

(i) provide limited services to help resolve the caller's dispute, including investigation or negotiation; or

(ii) provide the caller a referral for other legal services;

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

(i) whether the {caller's name and contact information} caller is a resident, a mobile home owner, or a park owner;

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

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

~~— (iv) } information regarding whether ~~a~~ the respondent was contacted ~~and~~;~~

(iv) the ~~respondent's response~~ services provided to the ~~alleged violation~~ caller, if any; and

(v) the ~~administrator's recommendation~~ outcome of the dispute, if ~~applicable~~; known; and

(f) maintain a record described in Subsection (~~5~~4)(e) for at least one year after the day on which the ~~administrator creates the record; and~~ record is created.

(~~g~~5) The helpline administrator shall, beginning in 2016, on or before November 30 of each year, submit to the Political Subdivisions Interim Committee a report that, for the 12 months before the day on which the helpline administrator submits the report, states:

(i) the number of calls that the helpline administrator, a supervised student, or an assisting attorney received through the helpline;

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

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

(B) the subject of the call; ~~and~~

(C) the ~~administrator's recommendation, if applicable~~ nature of any service provided to the caller; and

(D) the outcome of the matter, if known; and

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

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

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

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

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

~~— (3) }~~ If a ~~resident, a mobile home owner, or a park owner~~ helpline caller alleges a violation of the act, the helpline administrator, a supervised student, or an assisting attorney

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shall:

- ~~(a) attempt to contact and solicit a response from the respondent; and~~  
~~(b) collect relevant information regarding the alleged violation from the complainant and the respondent, including documents, photographs, drawings, sound recordings, electronically stored information, and tangible items;~~  
~~(4) After the administrator complies with the provisions of Subsection (3), the administrator may make a recommendation regarding whether the allegation constitutes a violation of the act.~~  
~~(5) (a) If the administrator makes a recommendation under Subsection (4), the administrator shall notify the complainant and respondent of the~~inform the caller of the rights, responsibilities, and remedies described in the act;  
~~(b) at the helpline administrator's recommendation;~~  
~~(b) The administrator's recommendation is not subject to discovery and~~discretion and with the caller's consent, provide limited services to help resolve the caller's dispute, including investigation or negotiation; or  
~~(c) refer the caller to other legal services, as needed.~~  
(3) A record that relates to the helpline administration is not admissible as evidence in a judicial proceeding.

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

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

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

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

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

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

### Section 8. **Appropriation.**

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

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addition to any amounts previously appropriated for fiscal year 2016.

To ~~{Office}~~ University of ~~{the Attorney}~~ Utah - Education and General ~~{ - Attorney~~  
General Line Item}

From General Fund, ~~{one-time}~~ One-time \$35,000

Schedule of Programs:

Administration ~~{-----}~~ of the Mobile Home Park  
Helpline \$35,000

The Legislature intends that the ~~{Office}~~ University of Utah S.J. Quinney College of  
~~{the Attorney General}~~ Law use funds appropriated under this section to ~~{pay a person selected~~  
~~in accordance with Section 57-16a-202 to }~~ administer the ~~{mobile home park helpline}~~ Mobile  
Home Park Helpline established in Title 57, Chapter 16a, Mobile Home Park Helpline.

Under Section 63J-1-603, the Legislature further intends that appropriations provided  
under this section not lapse at the end of fiscal year 2016. The use of any nonlapsing funds is  
limited to administration of the {mobile home park helpline} Mobile Home Park Helpline  
described in Title 57, Chapter 16a, Mobile Home Park Helpline.

Section 9. **Effective date.**

~~{(1) Except as provided in Subsection (2), this} This bill ~~{ takes effect on May 12,~~  
2015.~~

~~----- (2) Uncodified Section 8, Appropriation, }~~ takes effect on July 1, 2015.