

MOBILE HOME OWNERS' RIGHTS

2008 GENERAL SESSION

STATE OF UTAH

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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 that rent may not increase during the period between the provision of notice of a change in land use or condemnation and the day on which the resident is

32 required to vacate the mobile home park;

33 ▶ forbids ordinances by a town, city, or county concerning the closure of a mobile
34 home park because of a change in land use or condemnation; and

35 ▶ makes technical changes.

36 **Monies Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **57-16-6**, as last amended by Laws of Utah 2001, Chapter 256

43 ENACTS:

44 **57-16-18**, Utah Code Annotated 1953



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

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

48 **57-16-6. Action for lease termination -- Prerequisite procedure.**

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

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

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

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

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

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

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

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

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

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

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

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

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

85 ~~[(e) If there is a planned change in land use or condemnation of the park, the notice~~
86 ~~shall provide that the resident has 90 days after receipt of the notice to vacate the mobile home~~
87 ~~park if no governmental approval or permits incident to the planned change are required, and if~~

88 governmental approval and permits are required, that the resident has 90 days to vacate the
89 mobile home park after all permits or approvals incident to the planned change are obtained.]

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

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

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

101 [~~(5)~~] (3) (a) Eviction proceedings commenced under this chapter and based on causes
102 set forth in Subsections 57-16-5(1)(a), (b), and (e) shall be brought in accordance with the Utah
103 Rules of Civil Procedure and shall not be treated as unlawful detainer actions under Title 78,
104 Chapter 36, Forcible Entry and Detainer.

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

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

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

113 **57-16-18. Notice required for change in land use or condemnation -- Local**
114 **ordinances forbidden.**

115 (1) (a) The owner of a mobile home park shall send notice using first-class mail to each

116 resident of the mobile home park of any planned change in land use or condemnation of the park
117 or any portion of the park at least nine months before the day on which the resident is required
118 to vacate the mobile home park.

119 (b) Subsection (1)(a) does not apply to a mobile home park condemned by a
120 government entity.

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

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

130 (4) During the period of time between the provision of notice under Subsection (1) and
131 the day on which the resident is required to vacate the mobile home park, the mobile home park
132 owner may not increase rent.

133 (5) A town, city, or county may not enact any ordinance governing the closure of a
134 mobile home park.