

28 space during the period between the provision of notice of a change in land use or
29 condemnation and the day on which the resident is required to vacate the mobile home park;
30 and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **57-16-6**, as last amended by Laws of Utah 2001, Chapter 256

39 ENACTS:

40 **57-16-18**, Utah Code Annotated 1953



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

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

44 **57-16-6. Action for lease termination -- Prerequisite procedure.**

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

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

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

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

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

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

59 residence.

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

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

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

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

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

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

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

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

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

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

94 (v) If a lease is terminated because of a planned change in land use or condemnation of
95 the park, the notice required by this section shall be provided after the notice required by
96 Subsection 57-16-18(1) and at least 180 days before the day on which the lease is to be
97 terminated.

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

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

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

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

110 **57-16-18. Notice required for change in land use or condemnation.**

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

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 he occupies the mobile home space, either by first-class mail or personal service.

123 (4) (a) During the period of time between the provision of notice under Subsection (1)
124 and the day on which the resident is required to vacate the mobile home park, the mobile home
125 park owner may increase rent no more than twice the percentage amount of any increase in the
126 Consumer Price Index.

127 (b) The Consumer Price Index used in calculating a rent increase under Subsection
128 (4)(a) is the monthly United States Bureau of Labor Statistics Consumer Price Index Average
129 for All Urban Consumers.

Legislative Review Note
as of 11-15-07 10:02 AM

Office of Legislative Research and General Counsel

H.B. 48 - 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.
