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MOBILE HOME PARK AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill requires that a lease between a mobile home park and a resident disclose the utilities owned and maintained by the mobile home park.

Highlighted Provisions:

This bill:

- ▶ requires that a lease between a mobile home park owner and a resident disclose the utilities owned and maintained through service fees charged to the resident by the mobile home park; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-16-4, as last amended by Laws of Utah 2002, Chapter 255

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 --



28 **Increases in rents or fees -- Sale of homes -- Notice regarding planned reduction or**
29 **restriction of amenities.**

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

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

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

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

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

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

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

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

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

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

53 (ii) the resident's rights to:

54 (A) terminate the lease at any time without cause, upon giving the notice specified in
55 the resident's lease[;]; and [~~to~~]

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

57 [~~(3)~~] (4) (a) Increases in rent or fees for periodic tenancies [~~shall be~~] are unenforceable
58 until 60 days after notice of the increase is mailed to the resident.

- 59 (b) If service charges are not included in the rent, the mobile home park may:
- 60 (i) increase service charges [~~may be increased~~] during the leasehold period after giving
- 61 notice to the resident [~~is given,~~]; and
- 62 (ii) pass through increases or decreases in electricity rates [~~shall be passed through~~] to
- 63 the resident.
- 64 (c) Annual income to the park for service charges may not exceed the actual cost to the
- 65 mobile home park of providing the services on an annual basis.
- 66 (d) In determining the costs of the services, the mobile home park may include
- 67 maintenance costs related to those utilities [~~which~~] that are part of the service charges.
- 68 ~~[(b)]~~ (e) The mobile home park may not alter the date [~~or dates~~] on which rent, fees,
- 69 and service charges are due unless the mobile home park provides a 60-day written notice
- 70 [~~precedes the alteration~~] to the resident before the date is altered.
- 71 ~~[(4) Any]~~ (5) (a) Except as provided in Subsection (3)(b), a rule or condition of a lease
- 72 [~~purporting~~] that purports to prevent or unreasonably limit the sale of a mobile home belonging
- 73 to a resident is void and unenforceable.
- 74 (b) The mobile home park:
- 75 (i) may [~~however,~~] reserve the right to approve the prospective purchaser of a mobile
- 76 home who intends to become a resident [~~but the approval~~];
- 77 (ii) may not [~~be~~] unreasonably [~~withheld. The mobile home park~~] withhold that
- 78 approval;
- 79 (iii) may require proof of ownership as a condition of approval [~~The mobile home~~
- 80 park]; or
- 81 (iv) may unconditionally refuse to approve any purchaser of a mobile home who does
- 82 not register [~~prior to purchase~~] before purchasing the mobile home.
- 83 ~~[(5)]~~ (6) If all of the conditions of Section 41-1a-116 are met, a mobile home park may
- 84 request [~~from the Motor Vehicle Division~~] the names and addresses of the lienholder or owner
- 85 of any mobile home located in the park from the Motor Vehicle Division.
- 86 ~~[(6)]~~ (7) (a) A mobile home park may not restrict a resident's right to advertise for sale
- 87 or to sell [~~his~~] a mobile home. [~~However, the park~~]
- 88 (b) A mobile home park may limit the size of a "for sale" sign affixed to the mobile
- 89 home to not more than 144 square inches.

90 ~~[(7)]~~ (8) A mobile home park may not compel a resident who ~~[desires]~~ wishes to sell
91 ~~[his]~~ a mobile home~~[-either directly or indirectly,]~~ to sell it, either directly or indirectly,
92 through an agent designated by the mobile home park.

93 ~~[(8) In order to upgrade the quality of a]~~

94 (9) A mobile home park~~[-it]~~ may require that a mobile home be removed from the
95 park upon sale if:

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

97 ~~[(a)]~~ (b) the mobile home either does not meet minimum size specifications~~[-or-~~ ~~(b)-~~
98 ~~the mobile home]~~ or is in a rundown condition or is in disrepair.

99 ~~[(9)]~~ (10) Within 30 days after a mobile home park proposes reducing or restricting
100 amenities, the mobile home park shall:

101 (a) schedule at least one meeting for the purpose of discussing the proposed restriction
102 or reduction of amenities with residents; and ~~[shall]~~

103 (b) provide at least ten days advance written notice of the date, time, location, and
104 purposes of the meeting to ~~[all residents]~~ each resident.

105 ~~[(10) A]~~ (11) The mobile home park shall have a copy of this chapter ~~[shall be]~~ posted
106 at all times in a conspicuous place in the mobile home park.

Legislative Review Note
as of 11-25-08 3:40 PM

Office of Legislative Research and General Counsel

S.B. 95 - Mobile Home Park Amendments

Fiscal Note

2009 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 local governments. Individuals may benefit from some financial relief on their utility expense. Businesses may incur expenses associated with the bill's provisions.
