

Representative James A. Dunnigan proposes the following substitute bill:

MOBILE HOME REVISIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies a provision of the Mobile Home Park Residency Act.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to the formation and operation of a resident association in a mobile home park;
- ▶ modifies rights of residents in a mobile home park;
- ▶ limits what a mobile home park operator, as defined, may do with respect to a mobile home park resident association; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-16-16, as enacted by Laws of Utah 2001, Chapter 256



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

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

28 **57-16-16. Mobile home park residents' associations.**

29 (1) As used in this section:

30 (a) "Park operator" means an owner, operator, or manager of a mobile home park,
31 including an employee, agent, or independent contractor of the owner, operator, or manager.

32 (b) "Primary resident association" means, for a mobile home park with more than one
33 resident association, the resident association that has more members than any other resident
34 association within the mobile home park.

35 (c) "Resident association" means an organization of mobile home park residents
36 organized to address their common interests and concerns related to the mobile home park.

37 (d) "Resident entity" means a noncommercial entity that:

38 (i) advocates for residents of the mobile home park; or

39 (ii) addresses issues relating to mobile home parks that affect or are of concern to
40 residents of the mobile home park.

41 ~~[(1)]~~ (2) (a) Residents in a mobile home [parks shall have the right to form associations
42 comprised of residents of the mobile home park in which they reside.] park may:

43 (i) form a resident association; and

44 (ii) participate in a regional, state, or national resident association or advocacy group.

45 (b) A resident association may limit membership in a resident association to owners of
46 manufactured homes within a mobile home park if the purpose of the resident association is to
47 purchase some or all of the mobile home park.

48 (c) (i) There may be more than one resident association for a mobile home park.

49 (ii) A park operator is not required to acknowledge any resident association other than
50 the primary resident association.

51 ~~[(2) The membership of the]~~ (3) At a meeting at which a majority of members are
52 present, resident association members may:

53 (a) elect officers of the resident association [at a meeting where a majority of the
54 members are present.]; and

55 (b) adopt bylaws of the resident association.

56 ~~[(3)]~~ (4) (a) Except in an emergency [situations, there shall be], a resident association

57 shall provide seven days' notice of ~~[an]~~ a resident association meeting to all residents of the
 58 mobile home park. ~~[All residents of the park, even if not members of the association, may~~
 59 ~~attend association meetings. The park operator and non-resident employees shall not:]~~

60 (b) A resident of a mobile home park may attend a meeting of a resident association,
 61 whether or not the resident is a member of the resident association.

62 (5) (a) An officer or member of a resident association may not be held personally
 63 responsible or liable for an act or omission of the resident association or of another officer or
 64 member of the resident association.

65 (b) Subsection (5)(a) may not be construed to limit the liability of an individual who is
 66 an officer or member of a resident association for the individual's act or omission.

67 (6) A park operator may not:

68 (a) be ~~[members of the]~~ a member of a resident association;

69 (b) attend ~~[meetings unless invited by the]~~ a meeting of the resident association unless
 70 given a written invitation to the meeting by an officer of the resident association;

71 (c) unlawfully interfere with the resident association's operation ~~[of the association;~~
 72 ~~or];~~

73 (d) interfere with a resident's right to contact a state or local health department, a
 74 municipality, or other group to complain about the health and safety conditions of the mobile
 75 home park[-]; ~~§→~~ or ~~←§~~

76 (e) harass or threaten a resident association ~~§→~~ [; or] .

77 ~~[(f) engage in unfair or deceptive conduct to inhibit or interfere with the creation or~~
 78 ~~operation of a resident association.]~~ ~~←§~~

79 ~~[(4)]~~ (7) A resident association may not ~~§→~~ :

79a (a) ←§ impose fees, dues, or assessments, upon its

80 members unless a majority of the members agree to the ~~[assessment]~~ imposition of fees, dues,
 81 or assessments ~~§→~~ [; or]

81a (b) harass or threaten a park operator. ~~←§~~

82 ~~[(5) The park]~~ (8) A park operator shall permit meetings by ~~[any]~~ a resident
 83 association located within the park relating to manufactured home living or social or
 84 ~~[education]~~ educational purposes, including forums for or speeches by public officials or
 85 candidates for public office.

86 (9) Except for reasonable time, place, and manner limitations, a park operator may not
 87 prohibit or adopt a rule prohibiting a mobile home park resident or a resident entity from

88 exercising within the mobile home park the right of free expression for noncommercial
89 purposes, including peacefully organizing, assembling, canvassing, petitioning, leafleting, or
90 distributing written, noncommercial material within the mobile home park.

91 ~~[(6) Resident associations]~~ (10) (a) A resident association may schedule with the park
92 operator the use of the mobile home park's common facilities [of the park], if any, free of
93 charge. [However, the]

94 (b) A resident association [shall be] is responsible for any damage to the mobile home
95 park's common facilities caused by a member of the resident association or a guest or invitee
96 while the resident association uses a common facility [is in use by the resident association].

97 (c) A park operator may reasonably limit the frequency of a resident association's use
98 of a common facility if the limitation allows use at least once per week.

99 (d) A park operator may not:

100 (i) charge a resident or resident association a security deposit to use a common facility
101 of the mobile home park that exceeds the amount normally and uniformly charged as a security
102 deposit for use of the common facility; or

103 (ii) except as provided in Subsection (10)(e), require a resident or resident association
104 to obtain liability insurance in order to use a common facility.

105 (e) A park operator may require liability insurance if:

106 (i) the rules of the mobile home park permit the consumption of alcoholic beverages in
107 a common facility; and

108 (ii) alcoholic beverages are to be served at a meeting or private function of the resident
109 association in the common facility.

110 (11) (a) A park operator may not alter or refuse to renew an existing rental agreement,
111 change a rule of the mobile home park, enforce a mobile home park rule in an unreasonable or
112 nonuniform way, bring or threaten to bring an eviction action or other civil action, or take any
113 other action in retaliation based primarily on a resident:

114 (i) expressing an intention to complain or having complained to a governmental agency
115 about a matter relating to the mobile home park;

116 (ii) making a complaint in good faith to the park operator;

117 (iii) filing or expressing an intention to file a lawsuit or administrative action against
118 the park operator; or

119 (iv) testifying in a judicial or administrative proceeding or before a public body.

120 (b) Subsection (11)(a) does not limit a defense available under the law to a resident in

121 an eviction action.

122 (12) This section may not be construed to prohibit a park operator from:

123 (a) evicting a tenant as provided in other provisions of this chapter; or

124 (b) exercising other rights the park operator has under applicable law.

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Fiscal Note

2010 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.
