

MOBILE HOME PARK HELPLINE

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: R. Curt Webb

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;
- ▶ requires a mobile home park owner to post a notice that includes:
 - 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
- ▶ the provisions of this bill relating to the Mobile Home Park Helpline sunset on October 1, 2017.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

- ▶ to the Office of the Attorney General, as a one-time appropriation:
 - from the General Fund Restricted - Factory Built Housing Fees Restricted



28 Account, \$105,000.

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **57-16-4**, as last amended by Laws of Utah 2009, Chapter 94

34 **58-56-17.5**, as last amended by Laws of Utah 2011, Chapter 14

35 **63I-1-257**, as last amended by Laws of Utah 2014, Chapter 177

36 **63I-1-258**, as last amended by Laws of Utah 2014, Chapters 25, 72, and 181

37 ENACTS:

38 **57-16a-101**, Utah Code Annotated 1953

39 **57-16a-102**, Utah Code Annotated 1953

40 **57-16a-201**, Utah Code Annotated 1953

41 **57-16a-202**, Utah Code Annotated 1953

42 **57-16a-203**, Utah Code Annotated 1953



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

45 Section 1. Section **57-16-4** is amended to read:

46 **57-16-4. Termination of lease or rental agreement -- Required contents of lease --**
47 **Increases in rents or fees -- Sale of homes -- Notice regarding planned reduction or**
48 **restriction of amenities.**

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

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

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

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

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

59 for the causes described in Section 57-16-5;

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

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

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

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

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

72 (ii) the resident's rights to:

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

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

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

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

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

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

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

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

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

89 (5) (a) Except as provided in Subsection (3)(b), a rule or condition of a lease that

90 purports to prevent or unreasonably limit the sale of a mobile home belonging to a resident is
91 void and unenforceable.

92 (b) The mobile home park:

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

95 (ii) may not unreasonably withhold that approval;

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

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

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

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

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

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

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

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

111 (b) the mobile home either does not meet minimum size specifications or is in a
112 rundown condition or is in disrepair.

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

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

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

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

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

123 (a) a copy of this chapter; and

124 (b) a notice that:

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

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

127 Mobile Home Park Helpline; and

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

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

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

131 **Part 1. General Provisions**

132 **57-16a-101. Title.**

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

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

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

136 **57-16a-102. Definitions.**

137 As used in this chapter:

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

139 (2) "Administrator" means the person selected in accordance with the provisions of this
140 chapter to administer the helpline.

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

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

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

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

149 (a) owns a mobile home; and

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

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

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

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

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

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

160 **57-16a-201. Title.**

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

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

163 **57-16a-202. Helpline administration.**

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

166 (2) The Office of the Attorney General shall oversee the administration of the helpline
167 in accordance with the provisions of this part.

168 (3) In overseeing the helpline, the Office of the Attorney General shall:

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

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

174 (c) pay the administrator using money from the Factory Built Housing Fees Restricted
175 Account established in Section [58-56-17.5](#).

176 (4) The request for proposals described in Subsection (3)(a) shall include a requirement
177 that the administrator be an active member of the Utah State Bar.

178 (5) The helpline administrator shall:

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

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

182 (c) receive complaints through the helpline from a mobile home owner, a resident, or a

183 park owner that allege a violation of the act;

184 (d) at the administrator's discretion, make a recommendation regarding whether the
185 complaint alleges a violation of the act;

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

187 (i) the caller's name and contact information;

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

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

191 (iv) information regarding whether a respondent was contacted and the respondent's
192 response to the alleged violation; and

193 (v) the administrator's recommendation, if applicable;

194 (f) maintain a record described in Subsection (5)(e) for at least one year after the day
195 on which the administrator creates the record; and

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

199 (i) the number of calls that the administrator received through the helpline;

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

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

202 (B) the subject of the call; and

203 (C) the administrator's recommendation, if applicable; and

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

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

206 **57-16a-203. Helpline process.**

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

209 (2) If a resident, a mobile home owner, or a park owner alleges a violation of the act,
210 the administrator shall:

211 (a) attempt to contact the respondent; and

212 (b) collect relevant information regarding the alleged violation from a complainant or a
213 respondent, including documents, photographs, drawings, sound recordings, electronically

214 stored information, and tangible items.

215 (3) After attempting to contact and solicit a response from the respondent as described
216 in Subsection (2)(a), the administrator may make a recommendation regarding whether the
217 allegation constitutes a violation of the act.

218 Section 7. Section **58-56-17.5** is amended to read:

219 **58-56-17.5. Factory Built Housing Fees Restricted Account.**

220 (1) There is created within the General Fund a restricted account known as "Factory
221 Built Housing Fees Account."

222 (2) (a) The restricted account shall be funded from the fees the dealer collects and
223 remits to the division for each factory built home the dealer sells as provided in Subsection
224 **58-56-17(1)**.

225 (b) The division shall deposit all money collected under Subsection **58-56-17(1)** in the
226 restricted account.

227 (c) The restricted account shall be used to pay for:

228 (i) education and enforcement of this chapter and Title 15A, Chapter 1, Part 3, Factory
229 Built Housing and Modular Units Administration Act, including investigations and
230 administrative actions and the funding of additional employees to the amount of the legislative
231 appropriation[-]; and

232 (ii) administration of the helpline described in Title 57, Chapter 16a, Mobile Home
233 Park Helpline.

234 (d) The restricted account may accrue interest which shall be deposited into the
235 restricted account.

236 Section 8. Section **63I-1-257** is amended to read:

237 **63I-1-257. Repeal dates, Title 57.**

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

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

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

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

243 Section 9. Section **63I-1-258** is amended to read:

244 **63I-1-258. Repeal dates, Title 58.**

245 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
246 repealed July 1, 2016.

247 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.

248 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

249 (4) Section 58-37-4.3 is repealed July 1, 2016.

250 (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

251 (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
252 repealed July 1, 2019.

253 (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.

254 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
255 1, 2023.

256 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

257 (10) Subsection 58-56-17.5(2)(c), on October 1, 2017, is modified to read as follows:

258 "(c) The restricted account shall be used to pay for education and enforcement of this
259 chapter and Title 15A, Chapter 1, Part 3, Factory Built Housing and Modular Units
260 Administration Act, including investigations and administrative actions and the funding of
261 additional employees to the amount of the legislative appropriation."

262 [~~H~~] (11) Section 58-69-302.5 is repealed on July 1, 2015.

263 [~~H~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
264 Section 10. **Appropriation.**

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

270 To Office of the Attorney General - Attorney General Line Item

271 From General Fund Restricted - Factory Built Housing

272 Fees Restricted Account, one-time

\$105,000

273 Schedule of Programs:

274 Administration

\$105,000

275 The Legislature intends that the Office of the Attorney General use funds appropriated

276 under this section to pay a person selected in accordance with Section [57-16a-202](#) to administer
277 the mobile home park helpline established in Title 57, Chapter 16a, Mobile Home Park
278 Helpline.

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

283 Section 11. **Effective date.**

284 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

285 (2) Uncodified Section 10, Appropriation, takes effect on July 1, 2015.

Legislative Review Note
as of 2-10-15 11:27 AM

Office of Legislative Research and General Counsel