

**Representative Bruce R. Cutler** proposes the following substitute bill:

**MOBILE HOME PARK RESIDENTS' RIGHTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bruce R. Cutler**

Senate Sponsor: Daniel W. Thatcher

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**LONG TITLE**

**General Description:**

This bill amends provisions related to mobile homes.

**Highlighted Provisions:**

This bill:

▶ requires a mobile home park resident and a mobile home park to enter into a lease in writing and sign the lease;

▶ requires a mobile home park to make a mobile home park resident's lease available on request;

▶ provides that, under certain circumstances, a mobile home park may terminate the lease of a mobile home park resident that fails to register with the mobile home park or sign a written lease;

▶ provides that a summons in an action to evict a mobile home park resident shall provide the number of days after the day on which a defendant is served notice of the action before which the defendant is required to appear and defend the action;

▶ provides a cause of action for a mobile home park resident against a mobile home park that violates the Mobile Home Park Residency Act; and

▶ provides for the award of attorney fees and costs under certain circumstances.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **57-16-4**, as last amended by Laws of Utah 2015, Chapter 233

32 **57-16-5**, as last amended by Laws of Utah 2002, Chapter 255

33 **57-16-6**, as last amended by Laws of Utah 2008, Chapters 3 and 55

34 **57-16-7**, as last amended by Laws of Utah 2002, Chapter 255

35 ENACTS:

36 **57-16-19**, Utah Code Annotated 1953



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

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

40 **57-16-4. Termination of lease or rental agreement -- Required contents of lease --**  
41 **Increases in rents or fees -- Sale of homes -- Notice regarding planned reduction or**  
42 **restriction of amenities.**

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

45 ~~[(2) Each agreement for the lease of mobile home space shall be written and signed by~~  
46 ~~the parties.]~~

47 (2) (a) A mobile home park and a mobile home park resident that enter into an  
48 agreement for the lease of a mobile home park space shall:

49 (i) enter into the lease agreement in writing; and

50 (ii) sign the lease agreement.

51 (b) A mobile home park shall, for each lease entered into by the mobile home park  
52 with a mobile home park resident:

53 (i) maintain a written copy of the lease; and

54 (ii) make a written copy of the lease available to the mobile home park resident that is  
55 a party to the lease no more than seven calendar days written request from the mobile home  
56 park resident.

- 57 (3) Each lease shall contain at least the following information:
- 58 (a) the name and address of the mobile home park owner and any persons authorized to  
59 act for the owner, upon whom notice and service of process may be served;
- 60 (b) the type of the leasehold, whether it be term or periodic, and, in leases entered into  
61 on or after May 6, 2002, a conspicuous disclosure describing the protection a resident has  
62 under Subsection (1) against unilateral termination of the lease by the mobile home park except  
63 for the causes described in Section 57-16-5;
- 64 (c) (i) a full disclosure of all rent, service charges, and other fees presently being  
65 charged on a periodic basis; and
- 66 (ii) a full disclosure of utility infrastructure owned by the mobile home park owner or  
67 its agent that is maintained through service charges and fees charged by the mobile home park  
68 owner or its agent;
- 69 (d) the date or dates on which the payment of rent, fees, and service charges are due;  
70 and
- 71 (e) all rules that pertain to the mobile home park that, if broken, may constitute  
72 grounds for eviction, including, in leases entered into on or after May 6, 2002, a conspicuous  
73 disclosure regarding:
- 74 (i) the causes for which the mobile home park may terminate the lease as described in  
75 Section 57-16-5; and
- 76 (ii) the resident's rights to:
- 77 (A) terminate the lease at any time without cause, upon giving the notice specified in  
78 the resident's lease; and
- 79 (B) advertise and sell the resident's mobile home.
- 80 (4) (a) Increases in rent or fees for periodic tenancies are unenforceable until 60 days  
81 after notice of the increase is mailed to the resident.
- 82 (b) If service charges are not included in the rent, the mobile home park may:
- 83 (i) increase service charges during the leasehold period after giving notice to the  
84 resident; and
- 85 (ii) pass through increases or decreases in electricity rates to the resident.
- 86 (c) Annual income to the park for service charges may not exceed the actual cost to the  
87 mobile home park of providing the services on an annual basis.

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

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

93 (5) (a) Except as provided in Subsection (3)(b), a rule or condition of a lease that  
94 purports to prevent or unreasonably limit the sale of a mobile home belonging to a resident is  
95 void and unenforceable.

96 (b) The mobile home park:

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

99 (ii) may not unreasonably withhold that approval;

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

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

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

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

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

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

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

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

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

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

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

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

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

125 (12) The mobile home park shall ensure that the following are posted at all times in a  
126 conspicuous place in a common area of the mobile home park:

127 (a) a copy of this chapter; and

128 (b) a notice that:

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

130 ~~[(ii) includes information on how to use the helpline described in Title 57, Chapter 16a;~~

131 ~~Mobile Home Park Helpline; and]~~

132 ~~[(iii)]~~ (ii) is in a form approved by the Office of the Attorney General.

133 Section 2. Section **57-16-5** is amended to read:

134 **57-16-5. Cause required for terminating lease -- Causes -- Cure periods -- Notice.**

135 (1) An agreement for the lease of mobile home space in a mobile home park may be  
136 terminated by mutual agreement or for any one or more of the following causes:

137 (a) failure of a resident to comply with a mobile home park rule:

138 (i) relating to repair, maintenance, or construction of awnings, skirting, decks, or sheds  
139 for a period of 60 days after receipt by a resident of a written notice of noncompliance from the  
140 mobile home park under Subsection 57-16-4.1(1); or

141 (ii) relating to any other park rule for a period of seven days after the latter to occur of  
142 settlement discussion expiration or receipt by the resident of a written notice of noncompliance  
143 from the mobile home park, except relating to maintenance of a resident's yard and space, the  
144 mobile home park may elect not to proceed with the seven-day cure period and may provide the  
145 resident with written notice as provided in Subsection (2);

146 (b) repeated failure of a resident to abide by a mobile home park rule, if the original  
147 written notice of noncompliance states that another violation of the same or a different rule  
148 might result in forfeiture without any further period of cure;

149 (c) behavior by a resident or any other person who resides with a resident, or who is an

150 invited guest or visitor of a resident, that threatens or substantially endangers the security,  
151 safety, well-being, or health of other persons in the park or threatens or damages property in the  
152 park including:

- 153 (i) use or distribution of illegal drugs;
- 154 (ii) distribution of alcohol to minors; or
- 155 (iii) commission of a crime against property or a person in the park;
- 156 (d) nonpayment of rent, fees, or service charges for a period of five days after the due  
157 date;

158 (e) a change in the land use or condemnation of the mobile home park or any part of it;  
159 [~~or~~]

160 (f) failure by a person that owns or resides in a mobile home in the mobile home park  
161 to register with the mobile home park or enter into a written lease with the mobile home park;  
162 or

163 [~~(f)~~] (g) a prospective resident provides materially false information on the application  
164 for residency regarding the prospective resident's criminal history.

165 (2) If the mobile home park elects not to proceed with the seven-day cure period in  
166 Subsection (1)(a)(ii), a 15-day written notice of noncompliance shall:

167 (a) state that if the resident does not perform the resident's duties or obligations under  
168 the lease agreement or rules of the mobile home park within 15 days after receipt by the  
169 resident of the written notice of noncompliance, the mobile home park may enter onto the  
170 resident's space and cure any default;

171 (b) state the expected reasonable cost of curing the default;

172 (c) require the resident to pay all costs incurred by the mobile home park to cure the  
173 default by the first day of the month following receipt of a billing statement from the mobile  
174 home park;

175 (d) state that the payment required under Subsection (2)(b) shall be considered  
176 additional rent; and

177 (e) state that the resident's failure to make the payment required by Subsection (2)(b) in  
178 a timely manner shall be a default of the resident's lease and shall subject the resident to all  
179 other remedies available to the mobile home park for a default, including remedies available  
180 for failure to pay rent.

181 Section 3. Section 57-16-6 is amended to read:

182 **57-16-6. Action for lease termination -- Prerequisite procedure.**

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

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

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

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

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

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

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

199 ~~[(a)]~~ (i) the cause for the notice and, if the cause is one which can be cured, the time  
200 within which the resident or person has to cure; and

201 ~~[(b)]~~ (ii) the time after which the mobile home park may commence legal action  
202 against the resident or person if cure is not effected~~[, as follows:]~~.

203 (b) In addition to the requirements described in Subsection (2)(a), the notice shall  
204 conform to the following:

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

210 (ii) If a resident, a member, or invited guest or visitor of the resident's household  
211 commits repeated violations of a rule, a summons and complaint may be issued three days after

212 a notice is served[-];

213 (iii) If a resident, a member, or invited guest or visitor of the resident's household  
214 behaves in a manner that threatens or substantially endangers the well-being, security, safety, or  
215 health of other persons in the park or threatens or damages property in the park, eviction  
216 proceedings may commence immediately[-];

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

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

224 (3) (a) Eviction proceedings commenced under this chapter and based on causes set  
225 forth in Subsections 57-16-5(1)(a), (b), and (e) shall be brought in accordance with the Utah  
226 Rules of Civil Procedure and may not be treated as unlawful detainer actions under Title 78B,  
227 Chapter 6, Part 8, Forcible Entry and Detainer.

228 (b) Eviction proceedings commenced under this chapter and based on causes of action  
229 set forth in Subsections 57-16-5(1)(c) [~~and~~], (d), or (f) may, at the election of the mobile home  
230 park, be treated as [~~actions~~] an action brought under this chapter [~~and~~] or under the unlawful  
231 detainer provisions of Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.

232 (c) If unlawful detainer is charged, [~~the court shall endorse on~~] the summons shall  
233 include the number of days within which the defendant is required to appear and defend the  
234 action, which shall not be less than five days or more than [~~20~~] 21 days from the date of  
235 service.

236 Section 4. Section 57-16-7 is amended to read:

237 **57-16-7. Rules of parks.**

238 (1) (a) (i) [~~A~~] Subject to Subsection (1)(a)(ii), a mobile home park may [~~promulgate~~]  
239 make rules related to the health, safety, and appropriate conduct of residents and to the  
240 maintenance and upkeep of [~~such~~] the mobile home park. [~~No change in rule that is~~  
241 ~~unconscionable is valid.~~]

242 (ii) A mobile home park may not make a rule that is unconscionable.



243 (b) (i) No new or amended rule shall take effect, nor provide the basis for an eviction  
244 notice, until the expiration of at least:

245 (A) 120 days after its promulgation if it is a rule that requires a resident to make  
246 exterior, physical improvements to the resident's mobile home or mobile home space and to  
247 incur expenses greater than \$2,000 in order to comply with the rule;

248 (B) 90 days after its promulgation if it is a rule that requires a resident to make exterior,  
249 physical improvements to the resident's mobile home or mobile home space and to incur  
250 expenses greater than \$250 up to \$2,000 in order to comply with the rule; or

251 (C) 60 days after its promulgation if it is a rule that requires a resident to make exterior,  
252 physical improvements to the resident's mobile home or mobile home space and to incur  
253 expenses of \$250 or less in order to comply with the rule.

254 (ii) Each resident, as a condition precedent to a rule under this Subsection (1)(b)  
255 becoming effective, shall be provided with a copy of each new or amended rule that does not  
256 appear in the resident's lease agreement promptly upon promulgation of the rule.

257 (iii) For purposes of determining which period of time applies under Subsection  
258 (1)(b)(i), the mobile home park may rely upon a good-faith estimate obtained by the mobile  
259 home park from a licensed contractor.

260 (c) Within 30 days after the mobile home park proposes amendments to the mobile  
261 home park rules, the mobile home park shall schedule at least one meeting for the purpose of  
262 discussing the proposed rule amendments with residents and shall provide at least 10 days  
263 advance written notice of the date, time, location, and purposes of the meeting to all residents.

264 (2) A mobile home park may specify the type of material used, and the methods used in  
265 the installation of, underskirting, awnings, porches, fences, or other additions or alterations to  
266 the exterior of a mobile home, and may also specify the tie-down equipment used in a mobile  
267 home space, in order to insure the safety and good appearance of the park; but under no  
268 circumstances may it require a resident to purchase such material or equipment from a supplier  
269 designated by the mobile home park.

270 (3) No mobile home park may charge an entrance fee, exit fee, nor installation fee, but  
271 reasonable landscaping and maintenance requirements may be included in the mobile home  
272 park rules. The resident is responsible for all costs incident to connection of the mobile home  
273 to existing mobile home park facilities and for the installation and maintenance of the mobile

274 home on the mobile home space.

275 (4) Nothing in this section shall be construed to prohibit a mobile home park from  
276 requiring a reasonable initial security deposit.

277 Section 5. Section **57-16-19** is enacted to read:

278 **57-16-19. Violation of chapter by a mobile home park -- Remedies for a resident**  
279 **or resident association.**

280 (1) A mobile home park resident or a mobile home park resident association may bring  
281 a cause of action against a mobile home park for a violation of this chapter.

282 (2) A court may award reasonable attorney fees and costs to the prevailing party in an  
283 action described in Subsection (1).