

MOBILE HOME PARK AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to mobile homes.

Highlighted Provisions:

This bill:

- ▶ provides that, under certain circumstances, a mobile home park may evict a person that owns or resides in a mobile home in a mobile home park that fails to register with the mobile home park or sign a written lease; and

- ▶ 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



28 Section 1. Section 57-16-5 is amended to read:

29 **57-16-5. Cause required for terminating lease -- Causes -- Cure periods -- Notice.**

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

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

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

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

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

44 (c) behavior by a resident or any other person who resides with a resident, or who is an
45 invited guest or visitor of a resident, that threatens or substantially endangers the security,
46 safety, well-being, or health of other persons in the park or threatens or damages property in the
47 park including:

48 (i) use or distribution of illegal drugs;

49 (ii) distribution of alcohol to minors; or

50 (iii) commission of a crime against property or a person in the park;

51 (d) nonpayment of rent, fees, or service charges for a period of five days after the due
52 date;

53 (e) a change in the land use or condemnation of the mobile home park or any part of it;

54 [or]

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

57 or

58 [~~f~~] (g) a prospective resident provides materially false information on the application

59 for residency regarding the prospective resident's criminal history.

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

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

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

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

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

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

76 Section 2. Section **57-16-6** is amended to read:

77 **57-16-6. Action for lease termination -- Prerequisite procedure.**

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

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

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

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

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

89 (d) if a person of suitable age or discretion cannot be found, by affixing a copy of the

90 notice in a conspicuous place on the resident's or person's mobile home and also sending a copy
91 through registered or certified mail addressed to the resident or person at the person's place of
92 residence.

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

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

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

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

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

105 (ii) if a resident, a member, or invited guest or visitor of the resident's household
106 commits repeated violations of a rule, a summons and complaint may be issued three days after
107 a notice is served~~[-]~~;

108 (iii) if a resident, a member, or invited guest or visitor of the resident's household
109 behaves in a manner that threatens or substantially endangers the well-being, security, safety, or
110 health of other persons in the park or threatens or damages property in the park, eviction
111 proceedings may commence immediately~~[-]~~;

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

116 (v) if a lease is terminated because of a planned change in land use or condemnation of
117 the park or a portion of the park, the notice required by Section 57-16-18 serves as notice of the
118 termination of the lease~~[-]~~; and

119 (vi) if a mobile home park terminates a person's lease under Subsection 57-16-5(1)(f),
120 the mobile home park shall provide the person notice required under Title 78B, Chapter 6, Part

121 8, Forcible Entry and Detainer.

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

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

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

Legislative Review Note
Office of Legislative Research and General Counsel