

MOBILE HOME AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill amends provisions in the Mobile Home Park Residency Act.

Highlighted Provisions:

This bill:

- defines "public utility";
- requires a mobile home park to include in a lease agreement certain information relating to the costs charged by the mobile home park for public utility services;
- requires a mobile home park to provide residents with an annual disclosure describing how the mobile home park calculated residents' charges for public utility services during the previous 12-month billing period; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-16-3, as last amended by Laws of Utah 2002, Chapter 255

57-16-4, as last amended by Laws of Utah 2017, Chapter 329

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

Section 1. Section **57-16-3** is amended to read:

57-16-3. Definitions.

As used in this chapter:

(1) "Amenities" means the following physical, recreational or social facilities located at a mobile home park:

- (a) a club house;
- (b) a park;
- (c) a playground;
- (d) a swimming pool;
- (e) a hot tub;
- (f) a tennis court; or
- (g) a basketball court.

(2) "Change of use" means a change of the use of a mobile home park, or any part of it, for a purpose other than the rental of mobile home spaces.

(3) "Fees" means other charges incidental to a resident's tenancy including, but not limited to, late fees, charges for pets, charges for storage of recreational vehicles, charges for the use of park facilities, and security deposits.

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

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

(6) "Mobile home space" means a specific area of land within a mobile home park designed to accommodate one mobile home.

(7) "Public utility" means an entity that provides electrical or gas service, including a:

- (a) public utility as defined in Title 54, Chapter 2, General Provisions; or
- (b) municipality as defined in Title 10, Utah Municipal Code.

~~[(7)]~~ (8) "Rent" means charges paid for the privilege of occupying a mobile home

space, and may include service charges and fees.

~~[(8)]~~ (9) "Resident" means an individual who leases or rents space in a mobile home park.

~~[(9)]~~ (10) "Service charges" means separate charges paid for the use of electrical and gas service improvements which exist at a mobile home space, or for trash removal, sewage and water, or any combination of the above.

~~[(10)]~~ (11) "Settlement discussion expiration" means:

(a) the resident has failed to give a written notice of dispute within the period specified in Subsection 57-16-4.1(2); or

(b) the resident and management of the mobile home park have met together under Subsection 57-16-4.1(3) but were unsuccessful in resolving the dispute in their meeting.

Section 2. Section 57-16-4 is amended to read:

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

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

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

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

(ii) sign the lease agreement.

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

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

(ii) make a written copy of the lease available to the mobile home park resident that is a party to the lease:

(A) no more than seven calendar days after the day on which the mobile home park receives a written request from the mobile home park resident; and

(B) except for reasonable copying expenses, at no charge to the mobile home park resident.

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

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

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

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

(ii) a full disclosure of utility infrastructure owned by the mobile home park owner or ~~[its] the owner's~~ agent that is maintained through service charges and fees charged by the mobile home park owner or ~~[its] the owner's~~ agent, and the method used to calculate the associated service charges and fees; and

(iii) a full disclosure of all costs charged by the mobile home park for public utility services and the method used to calculate each individual resident's public utility bill, including:

(A) costs allocated from a master-metered bill;

(B) costs submetered for individual usage;

(C) costs that reflect utility infrastructure owned by the mobile home park owner or the owner's agent; and

(D) any other costs related to public utility services;

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

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

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

(ii) the resident's rights to:

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

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

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

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

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

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

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

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

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

(5) (a) Beginning June 1, 2021, a mobile home park shall provide a conspicuous disclosure describing how the mobile home park calculated residents' charges for public utility services during the previous twelve-month billing period:

(i) (A) to each resident; and

(B) at least once each calendar year; or

(ii) (A) in a prominent place on the premises of the mobile home park; and

(B) that is updated when no longer accurate and at least once each calendar year.

(b) The disclosure described in Subsection (5)(a) shall demonstrate how the charges for public utility services relate to:

142 (i) the mobile home park's master-metered bill;

143 (ii) utility infrastructure owned by the mobile home park owner or the owner's agent;

144 and

145 (iii) the applicable public utility's approved rates and terms of service.

146 (c) Before June 1, 2021, upon written request from a resident, a mobile home park
147 shall disclose the information described in Subsection (5)(a) for any billing period after May
148 12, 2020.

149 ~~[(5)]~~ (6) (a) Except as provided in Subsection (3)(b), a rule or condition of a lease that
150 purports to prevent or unreasonably limit the sale of a mobile home belonging to a resident is
151 void and unenforceable.

152 (b) The mobile home park:

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

155 (ii) may not unreasonably withhold that approval;

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

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

159 ~~[(6)]~~ (7) If all of the conditions of Section 41-1a-116 are met, a mobile home park may
160 request the names and addresses of the lienholder or owner of any mobile home located in the
161 park from the Motor Vehicle Division.

162 ~~[(7)]~~ (8) (a) A mobile home park may not restrict a resident's right to advertise for sale
163 or to sell a mobile home.

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

166 ~~[(8)]~~ (9) A mobile home park may not compel a resident who wishes to sell a mobile
167 home to sell it, either directly or indirectly, through an agent designated by the mobile home
168 park.

169 ~~[(9)]~~ (10) A mobile home park may require that a mobile home be removed from the

170 park upon sale if:

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

172 (b) the mobile home either does not meet minimum size specifications or is in a

173 rundown condition or is in disrepair.

174 [~~(10)~~] (11) Within 30 days after a mobile home park proposes reducing or restricting
175 amenities, the mobile home park shall:

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

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

180 [~~(11)~~] (12) If a mobile home park uses a single-service meter, the mobile home park
181 owner shall include a full disclosure on a resident's utility bill of the resident's utility charges.

182 [~~(12)~~] (13) The mobile home park shall have a copy of this chapter posted at all times
183 in a conspicuous place in a common area of the mobile home park.