

# Questions & Answers

## Regarding Mobile Home Law

Epsten Grinnell & Howell, APC takes pride in providing legal services in all aspects of mobile home law. We provide services that include:

- **Leases:**  
Preparation of residency documents including month-to-month, one year, and long term leases.
- **Rules and Regulations:**  
Preparation of rules and regulations which meets the needs of the mobile home park and residents as well as the requirements of the Mobile Home Residency Law (“MRL”).
- **Evictions:**  
Representation of the mobile home park in the eviction of problem residents.
- **Park Sale of Mobile Homes:**  
Representation of the mobile home park in sales of mobile homes pursuant to abandonment or warehouse lien sale.

### What are the various types of mobile home law legal notices?

**3-Day Notice:** If a tenant has not paid rent, utility or incidental service charges, and the arrearage remains unpaid for 5 days after its due date, a 3-day notice to pay the sum due or quit is served. This notice is independent from the 60-day notice described below, which terminates a tenancy. Both notices may be served at the same time. A copy of this notice must be sent to each legal owner, junior lienholder and registered owner (if other than the tenant) within 10 days after notice to the tenant.

**7-Day Notice:** If a tenant fails to comply with a reasonable park rule or regulation which is part of the rental agreement, a tenant is served with a 7-day notice to comply or quit. A tenant is not in noncompliance with the rule or regulation until receipt of the written notice of the violation and failure to follow the rule or regulation within 7 days after service of the notice. The 7-day notice of opportunity to cure is independent of the 60-day notice to terminate a tenancy. If a cure is not timely effected, management can then serve a 60-day notice to terminate. A 7-day notice cannot be served concurrently with a 60-day notice. Management must wait the 7 days before serving a 60-day termination notice. If a tenant has been given written notice of failure to comply with the same rule or regulation on

3 or more occasions within a 12-month period, no further 7-day notices need be given. The third or subsequent violation constitutes a *per se* ground for termination and is subject to a 60-day notice.

**14-Day Notice:** If a tenant fails to maintain the land or premises where a mobile home is located in accordance with park rules or regulations, management may charge the tenant a reasonable fee to do the maintenance. Before charging the fee, management must serve a tenant with a 14-day written notice of the failure to maintain, giving the tenant an opportunity to cure the failed maintenance. The notice must state that management may charge a reasonable fee for services relating to maintenance of the land or premises. It must state the specific condition to be corrected and estimate the charges to be imposed for performance of the services by management.

**30-Day Notice:** A 30-day written notice must be given to all tenants of any change concerning the zoning or use permit or the master park lease. A 30-day notice of intent to sell must be given to all tenants when the park is listed for sale or offered for sale to any third party. Prior notice must be given to a park resident organization (a resident organization formed by park tenants) for purchasing the mobile home park from the owner.

**60-Day Notice:** A 60-day written notice is given to a tenant to remove a mobile home from the park. The notice must specify the period allowed to vacate and set forth the reason for termination, stating specific facts to permit determination of the date, place, witnesses, and circumstances concerning the reason. A tenancy may be terminated only for one or more of the following reasons: the tenant’s failure to comply with a local ordinance, state law or regulation within a reasonable time after receipt of notice of noncompliance from the governmental agency; conduct by a tenant constituting a substantial annoyance to other tenants or residents; a tenant’s conviction for prostitution or a felony controlled substance offense if the act resulting in the conviction was committed on the mobile home park premises, including the tenant’s mobile home; the tenant’s failure to comply with a reasonable park rule or regulation which is part of the rental agreement. A copy of the notice must also be sent to each legal owner, junior lienholder and registered owner (if other than the tenant) within 10 days after notice to the tenant.

### How do you stop a resident’s continued violation of a park rule without terminating the resident’s lease?

The MRL gives management an injunctive relief remedy for violations of reasonable park rules or regulations. Management may obtain a restraining order against a continuing or recurring violation of any reasonable rule or regulation. A petition for injunctive relief is filed in the superior court for the county where the park is located. When the petition is filed, a temporary restraining order (“TRO”) may be obtained. A TRO may be granted on a showing of a continuing or recurring violation and that great or irreparable harm would result from continuance or recurrence of the violation. The TRO is personally served on the respondent tenant or resident with the petition for injunction and notice of a hearing. The TRO is in effect for a maximum 15 days unless modified or sooner terminated by the court. A hearing is held within 15 days after filing of the petition. The court issues an injunction if it finds, by clear and convincing evidence, the existence of a continuing or recurring violation of the rules or regulations. An injunction may be for more than 3 years. The injunction remedy is nonexclusive and does not preclude or limit the right to terminate a tenant’s tenancy.

### How can you evict a mobile home park resident?

The mobile home park owner may file an unlawful detainer, which is a summary procedure for the restoration of possession of real property. It is used by the park against a tenant for breach of the lease or violation of reasonable park rule or regulation. An unlawful detainer affords a speedy ‘summary eviction’ remedy. Once a mobile home tenancy is properly terminated under the MRL, the summary repossession procedures of an unlawful detainer apply to effect an eviction of a tenant who remains in occupancy after the termination date. The park may terminate or refuse to renew a mobile home park tenancy only pursuant to the grounds and notice provisions in the MRL.

An unlawful detainer is commenced with the filing of a summons and complaint. A summons tells the tenant he has been sued and that, unless a response is filed within 5 days, the court may decide the action against him without being heard. The complaint sets forth allegations informing the tenant of the legal reasons why the park seeks to gain possession of the mobile home space. If the tenant fails to respond to the summons and complaint within the time frame and manner

prescribed by law, the park requests a Clerk’s Judgment for possession. Later, after the tenant has been removed from the premises by the sheriff pursuant to an order from the court to carry out the terms of the Judgment, a Judgment may be entered for the unpaid rent, utilities, incidental service charges, court costs and attorney’s fees. In an unlawful detainer action, the MRL grants the party prevailing in the eviction action the right to an award of attorney fees and costs, whether or not provided for in a mobile home space lease.

If the tenant leaves the mobile home and its contents behind, the manager commences an action for abandonment or a warehouseman’s lien sale, if the appropriate preliminary requirements have been met.

### What do you do if a tenant has abandoned his mobile home?

California law allows park management to treat an apparently abandoned mobile home tenancy as terminated and then sell the mobile home. An abandoned mobile home is a one that: is located in a park for which no rent has been paid for the preceding 60 days; is unoccupied; and a reasonable person would believe it is abandoned. An abandoned mobile home includes one that is uninhabitable because of total or partial destruction which cannot be rehabilitated, if it also satisfies the above requirements. To declare a mobile home abandoned management posts and mails a notice of belief of abandonment for at least 30 days. After the 30-day posting period, management commences a legal proceeding for a judicial declaration of abandonment of the mobile home in the judicial district where the mobile home is located. If no response is filed within 15 days after service of the petition, management requests a default judgment. A judgment of abandonment allows management to start procedures to sell the mobile home. Within 10 days after judgment, management posts and mails a notice of intent to sell the abandoned unit and its contents, specifying the date of sale and describing the unit in a manner sufficiently certain to identify it. Any time prior to sale of the unit, any person having a right to possession of the mobile home may recover and remove it from the premises on payment of all rent or other charges, including storage costs and costs awarded by the court. The right to reclaim the abandoned unit must be perfected before the sale. Once the sale occurs, the tenant may only be entitled to the sale proceeds. After complying with the inventory and notice requirements, management conducts a public sale of the mobile home and its contents. The purchaser acquires title free