

FREQUENTLY ASKED QUESTIONS: FOR PERSONS RESIDING IN MOBILEHOMES REGARDING EVICTION

What laws govern eviction from a mobilehome park?

If you are renting the mobilehome and the space upon which your mobilehome sits, regular eviction laws apply. For more information regarding the eviction process generally and rental assistance, please visit <https://www.fresno.gov/cityattorney/wp-content/uploads/sites/3/2021/07/FAQ-for-EPP-Website-Final.pdf>.

If you own your mobilehome (e.g., you are not renting the mobilehome from anyone) but are renting the space upon which your mobilehome sits then a different set of laws, the Mobilehome Residency Law (“MRL”), apply. The MRL covers a wide range of topics such as the terms of rental agreements, park management, sales, termination of tenancies and enforcement of mobile home resident rights.

If I own my mobilehome can I still be evicted from a mobilehome park?

If you own your mobilehome and are only renting the space on which your mobilehome sits, your landlord can only evict you under 7 very specific circumstances, including:

- Substantial annoyance within the park premises to other residents.
- Failure to comply with a reasonable park rule included in the rental agreement. In these incidences, the park manager must specify which rule was broken and give the resident seven days to correct the violation. If the resident violates a rule more than twice in a twelve-month period, the park may proceed with eviction regardless of whether the resident corrected the violation.
- Failure to comply with a local ordinance, state law, or regulation within a reasonable time after receiving a noncompliance notice from a governmental agency.
- Nonpayment of rent, utility charges, or reasonable incidental service charges for a period of five or more days from the due date (provided that the homeowner subsequently receives a three-day written notice to pay the amount due).
- Condemnation of the park.
- Conviction for prostitution or a felony for controlled substance in the park.
- Change of use of the park or any portion thereof, meaning that the entire park, “or a functional part of it, is no longer used as a mobile home park.”

How much notice must be given before I can be evicted from a mobilehome park?

If you own your mobilehome, a 60-day notice is required in order to terminate or not renew a tenancy in a mobilehome park. The notice must state the 60-day time period, the reason for the termination, and the specific facts supporting the reason.

If you are renting your mobilehome and the space upon which it sits, regular eviction notice requirements apply and the length of the notice will depend on the reason for the eviction.

If I am a mobilehome owner, what happens if I still have not moved after my 60-day notice expires?

If you have still not moved after the 60-day notice expires, the park management can file an unlawful detainer action, which is an eviction lawsuit. Generally, once the park management terminates the tenancy, California's standard unlawful detainer procedures apply. For more information on this process please see <https://www.fresno.gov/cityattorney/wp-content/uploads/sites/3/2021/07/FAQ-for-EPP-Website-Final.pdf>.

What happens if I lose in the eviction process?

If you own your mobilehome and park management prevails at trial (e.g., a judgment is entered against you), the property management may request that the sheriff be given authority to remove you and other occupants from the premises. If the sheriff is given authority, they will provide a "Notice to Vacate," which generally provides five (5) additional days to move out. In some circumstances, park management may also obtain a warehouse lien allowing them to remove the mobilehome, store it, and/or eventually sell it.

If I own my mobilehome can my landlord refuse to renew my lease?

Your landlord cannot refuse to renew your lease for the space upon which your mobilehome sits unless one of the seven criteria listed above applies and is stated in the notice from your landlord.

Can my landlord raise my rent?

For mobilehome owners, rent increases are generally governed by your rental agreement or lease. If your landlord wants to raise the rent, a ninety (90) day advance written notice is required to increase a park tenant's rent.

If you are renting your mobilehome, rent increases are governed by state law and at least a thirty (30) day advance written notice is required. In most circumstances, state law caps rent increase at five (5) percent plus the percentage change in the cost of living, or ten (10) percent, whichever is lower.

Can I be evicted for having a pet?

A mobilehome owner is allowed to have at least one pet and cannot be charged a fee for the pet unless park management provides special facilities or services for pets.

If you are renting your mobilehome, your ability to have a pet will depend on the terms of your lease and/or whether the animal is a service or emotional support animal. No pet rent/pet fees can be charged for service animals or emotional support animals.

Do I have to allow park management to inspect my mobilehome?

If you own your mobilehome, park management does not have the authority to enter your mobilehome without your consent, unless there is an emergency, or you have abandoned your

mobilehome. However, park management does have the right to enter the land upon which your mobilehome sits for maintenance of the premises.

Even if you are renting your mobilehome, there are only certain circumstances under which a landlord can enter your mobilehome, such as in the event of an emergency, to make repairs, or otherwise show the premises to prospective tenants. Unless there is an emergency, generally must give at least twenty-four (24) hours' notice of their intent to enter.

Disclaimer: The purpose of this FAQ is educational only and does not constitute legal advice. If you need legal advice, you should contact an attorney or apply for representation through the City of Fresno's Eviction Protection Program.