

CALIFORNIA CIVIL CODE PROVISIONS RELATIVE  
TO MOBILEHOME PARK RESIDENCY  
(Effective January 1, 1976)

NOTICE TO ALL TENANTS OF LOT NUMBER: 251

PURSUANT TO STATE LAW, YOU ARE NOTIFIED THAT EFFECTIVE IMMEDIATELY THE FOLLOWING ADDITION IS MADE TO OUR EXISTING RENTAL AGREEMENT THEREBY ADVISING YOU OF THE FOLLOWING CIVIL CODE SECTIONS.

789.4 The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes required to be moved under permit upon the highways occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by Sections 789.5 to 789.11, inclusive.

789.5 (a) No tenancy or other estate at will or lease, however created on or after the effective date of this section, in a mobilehome park may be terminated except upon the landlord's giving notice in writing to the tenant, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to remove from the premises within a period of not less than 60 days, to be specified in the notice. No lease shall contain any provision by which the tenant waives his rights under this section or under Sections 789.6 to 789.11, inclusive, and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void. However, any lease may provide that the tenancy may be terminated upon the landlord's giving notice in writing to the tenant, in such prescribed manner, to remove from the premises within a period of more than 60 days, to be specified in the notice.

(b) This section shall apply only to mobilehomes or trailer coaches which are required to be moved under permit.

(c) This section shall not affect any rights or proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure except as hereinafter provided.

(d) After the effective date of this subdivision, a tenancy shall be terminated pursuant to this section only for one or more of the following reasons:

(1) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobilehomes within a reasonable time after the tenant's receipt of notice of his noncompliance from the appropriate governmental agency.

(2) Conduct of the tenant, upon the mobilehome park premises, which constitutes a substantial annoyance to other tenants.

(3) Failure of the tenant to comply with reasonable rules and regulations of the mobilehome park as established by the management in writing in the rental agreement at the inception of the tenancy or as amended subsequently with the consent of the tenant or without his consent upon six months' written notice. However, regulations applicable to recreational facilities may be amended on 60 days' written notice. The management shall give at least one written notice to the tenant of an alleged rule or regulation violation and shall furnish the tenant with seven days to adhere to the rule prior to issuing a notice of termination.

(4) Nonpayment of rent, utility charges, or reasonable incidental service charges.

(5) Condemnation or change of use of the mobilehome park. However, upon a proposed change of use of the mobilehome park, the management shall give 12 months' written advice to the tenant and prospective tenants that a proposed change of use is contemplated. If the proposed change of use actually occurs, then the notice requirements of subdivisions (a) and (f) of this section shall be followed.

(e) Meetings by tenants, or residents in the mobilehome park, or by occupants of a mobilehome in the mobilehome park, or any or all of them, relating to mobilehome living and affairs in any of the park community or recreation halls shall not be subject to prohibition by the park management if such meetings are held at reasonable hours and when the facility is not otherwise in use.

(f) The management of a mobilehome park shall specify, in the notice required by this section, the reason for the termination of any tenancy in such mobilehome park. The reason relied upon for the termination shall be set forth with specific facts so that the date, place, witnesses, and circumstances concerning the reason for termination can be determined. Neither reference to subdivision and paragraph numbers of this section, nor recital of the language of this section, not both, shall be compliance with this subdivision.

789.6 Notwithstanding the provisions of Section 789.5, a tenancy or other estate at will or lease in a mobilehome park may not be terminated for the purpose of making the tenant's space in the park available for a person who purchased a mobilehome from the owner of the mobilehome park or his agents.

789.7 (a) The owner of a mobilehome park or his agents shall not charge any fees to tenants other than charges for rent, utilities, or incidental reasonable service charges actually rendered.

(b) Tenants shall not be charged for keeping pets in the park unless the park management actually provides special facilities or services for pets. If special pet facilities or services are maintained the charge shall reasonably relate to the cost and maintenance of the facility or services in relation to the number of tenants owning pets.

(c) No extra charge shall be made for guests of a tenant who do not stay with the tenant more than a total of 14 days in any calendar month.

(d) No per-person fee shall be charged for the members of the tenant's immediate family, which includes the tenant, his or her spouse, and his or her children.

(e) No fee shall be charged for enforcing any of the rules and regulations of the mobilehome park.

(f) The owner of a mobilehome park, or his or her agents, shall inform each prospective tenant in writing before the tenant moves into the mobilehome park of the nature of each service to be actually rendered to him or her, and the amount of the charges to be imposed for such service.

789.7a Guests of a tenant who do not stay with the tenant more than a total of 14 days in any calendar month shall not be required to register with the park management.

789.7b If the mobilehome park management provides master meter service of utilities to tenants in the mobilehome park, the following standard method of billing shall be used. For each billing period, the cost of the charges for the period shall be separately stated along with the opening and closing meter reading for the tenant. The mobilehome park management shall post in a conspicuous place the prevailing residential utility rate schedule as published by the serving utility.

789.7c Membership in any private club or organization which is a condition or precondition for tenancy in a mobilehome park shall not be denied to any person on the basis of race, color, religion, sex, national origin, or ancestry or on the basis of any other grounds prohibited by Section 35700 of the Health and Safety Code.

789.8 There shall be no entry, installation, hookup, or landscaping charge as a condition of tenancy in a mobilehome park, however, reasonable landscaping and maintenance requirements may be included in the park rules and regulations. Notwithstanding the provisions of paragraph 3 of subdivision (d) of Section 789.5, a tenant shall not be charged for additional services actually rendered to him or her subsequent to his or her moving into the mobilehome park unless the tenant has been given 60 days' written notice of such charges by the owner of the park or his or her agents. There shall not be any transfer or selling fee required of the tenant or his agent as a condition of sale of a mobilehome within a mobilehome park, even if such mobilehome is to remain within the park, if the park management performs no service in the sale of the mobilehome. Any service performed by the park management shall be requested in writing by the tenant or his agent.

789.9 The management of a mobilehome park shall provide tenants with the park rules and regulations and the language of Sections 789.5 to 789.11, inclusive, in written form either included within the rules and regulations of the park or in the rental agreement.

789.10 The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes shall not make as a condition or precondition of residency or tenancy that the mobilehome be prohibited from remaining in the mobilehome park in the event of a sale to a third party during the term of the tenant's lease or any renewal or extension thereof; provided, however, that the owner may, in the event of a sale to a third party, in order to upgrade the quality of his mobilehome park, require that any mobilehome less than 10 feet wide or more than 15 years old or 25 years old if manufactured after September 15, 1971, or both, or any mobilehome in a rundown condition or in disrepair be removed from the park. The ownership or management shall use reasonable discretion in determining the condition of the mobilehome and its accessory structures.

Nothing in this section shall be construed to deny the ownership or management the right to require prior approval of a purchaser if the mobilehome will remain located in the mobilehome park or other facility; provided, however, that the approval of a purchaser cannot be withheld if the purchaser as a prospective tenant has the financial ability to pay the rent and charges of the park unless the ownership or management reasonably determines that the prospective tenant will not, based upon prior tenancies, comply with the requirements of the rules and regulations of the mobilehome park. The ownership or management may require that the purchaser as a prospective tenant comply with any rule and regulation of the mobilehome park limiting residence within the park to adults only.

No rental, lease, or sale agreement shall contain any provision by which the purchaser or tenant waives his rights under this section, and any such waiver shall be deemed contrary to public policy and shall be void and unenforceable.

789.11 The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes must obtain written authorization from the owner before showing or listing for sale a tenant's or resident's mobilehome. This written authorization shall specifically set forth the terms and conditions regarding such showing or listing.

Nothing contained in this section shall be construed to affect the provisions of the Vehicle Code governing the licensing of mobilehome salesmen.

Issued By Ed Vaughn 2/18  
Signature of Manager or Owner

Date \_\_\_\_\_

Received By Albert J. Lindberg  
Mobilehome Park Resident

Date 2-24-77