



Rule Enforcement: Effective Use of Seven Day Notices

BY ELISSA KLUG

In California, for parks with residents who are not complying with the park's rules and regulations, the Mobilehome Residency Laws, California Civil Code § 798 et seq. ("MRL"), provide park owners and managers with tools to effectively enforce the park's rules and regulations. The MRL provides a procedure to serve a Seven Day Notice for rules violations for "failure to comply with a reasonable rule or regulation of the park that is part of the rental agreement." MRL § 798.56(d). The focus of this article is California-centric, and while your state might not have rules specific for your communities, you will find this information insightful.

An effective Seven Day Notice sets forth the rules and regulations that the resident violated and the park's authority under the MRL to issue the Seven Day Notice, as well as the conduct that caused the violation and what action the resident needs to take or cease in order to come into compliance with the park's rules and regulations. Attaching photographs that evidence the rule violation is an effective way to evidence the violation, and can later provide a visual understanding to the trier of fact, should the matter end up in court. The park can use maintenance workers to observe and document rule violations. And when a resident complains about another resident, it is good practice to have the resident submit the complaint in writing. If the resident does not submit a verbal complaint in writing, then it is good practice for the park to document that verbal complaint in writing. The written reports of park employees and the written complaints from residents can then be attached to the Seven Day Notice as additional evidence supporting the rule violation. Serving a Seven Day Notice starts a legal process that may potentially result in eviction.

Keep in mind, however, that the Park is not required to serve a Seven Day Notice for a rule violation. However, the park should ensure

that it consistently enforces the rules among all residents. With that in mind, and depending upon the severity and longevity of the rule violation, as well as the park's relationship with the resident, the park may consider issuing a warning letter to the resident before serving the formal Seven Day Notice. The resident may perceive a warning letter as less offensive than a legal Seven Day Notice, and it just might work. Effective communication with park residents is essential to avoiding misunderstandings and can be a useful tool in avoiding costly litigation. But not all residents take warning letters seriously. If the resident does not come into compliance with the rules after receiving a warning letter, then the park may need to proceed with serving a Seven Day Notice to effectively enforce the rules.

As the name of the notice implies, the resident served with a Seven Day Notice has seven days to come into compliance. MRL § 798.56(d). If the resident has not corrected the rule violation or otherwise complied with the Seven Day Notice within seven days, then the MRL permits the park to proceed with serving a Sixty Day Notice to terminate the tenancy. MRL § 798.56(d).

If, however, the resident does comply with the Seven Day Notice within seven days, but then later violates the same rule or regulation, then the park may issue another Seven Day Notice to the resident. After the park has served the same resident with three Seven Day Notices within a twelve month period for violation of the same rule or regulation, upon the next violation of the same rule or regulation, the park may serve a Sixty Day Notice without giving written notice. MRL § 798.56(d). This is essentially a "three strikes and you're out" procedure built into the MRL for habitual rule violators.

Once the park serves the resident with the Sixty Day Notice to terminate tenancy, and

once the sixty days expire, the park may proceed to file an unlawful detainer action, which provides for expedited access to a trial date for an eviction proceeding. The park has the option to institute legal proceedings, but is not required to do so. As such, even if the park does not want to ultimately evict a resident, or is unsure whether it will eventually attempt to do so, serving the Seven Day Notice protects and preserves the park's interests and rights to do so later on. And hopefully, the Seven Day Notice, with the threat of eviction, will serve as sufficient motivation for the resident to comply, such that the park will not have to later decide whether to institute the legal proceedings.

Not every rule violation lends itself to a Seven Day Notice. And sometimes a Seven Day Notice, alone, may not be sufficient to effectively and swiftly enforce the park's rules. If a resident is in violation of park rules regarding maintenance of the homesite, then in addition to, or in lieu of, a Seven Day Notice, the park can serve a Fourteen Day Notice to perform space maintenance or clean-up pursuant to MRL § 798.36. To be effective, the Fourteen Day Notice needs to identify the specific rules violated, the specific conditions to be corrected or property to be removed, and an estimate of the charges that the park will charge the resident if the resident does not make the necessary repairs or undertake the necessary maintenance or clean-up within fourteen days. The consequence of non-compliance with a Fourteen Day Notice is not eviction, as may be the case with a Seven Day Notice, but rather, that the park may enter the homesite to make the necessary repairs or conduct the necessary maintenance, charging the resident for the costs involved.

If a resident's behavior is particularly egregious or threatening, then in addition to calling the police, which may be necessary, the park can consider filing a petition for injunctive

Blevins Acquires Lane McDuff

Blevins, Inc. is happy to announce the purchase of the assets of Lane McDuff Sales and to confirm that its three branches in Fort Worth, Abilene and Seguin, Texas will all continue to operate under the name Lane McDuff Sales. The purchase was effective Friday, June 27. Lane McDuff was founded in 1969 and has a long legacy of serving the manufactured housing industry in Texas and surrounding states.

Headquartered in Nashville, TN, Blevins, Inc. is the leading supplier for the manufactured housing industry with 11 other locations throughout the eastern half of the United States. Blevins was established in 1957 and has serviced parts of Texas for many years. Blevins is very excited to be expanding their presence in Texas and look forward to increasing the Lane McDuff inventory and services available to its customers.

If you have any questions, please discuss with your local branch contact or feel free to call the Lane McDuff Fort Worth branch at 817-429-6200.

4th Annual SECO Scheduled

Anyone that owns or has an interest in the health and operation of manufactured home communities should attend the Southeast Com-

munity Owners Symposium October 1-2 in Atlanta, GA. Programming is focused on tactics that can benefit those owning 1 - 100 communities. This would certainly include the owners and investors, but also be beneficial for general managers and managers. The networking opportunity with owners/operators will be beneficial for lenders, suppliers, home manufacturers and corporate property managers as well. But there is no mistake - this is a gathering directed by community owners for community owners. We are in this together and everyone has something important to share.

For more information email Chris at christinely1@gmail.com or visit their website at www.seco14.org.

Grandbridge Launches Rockies Region Office

Grandbridge Real Estate Capital LLC announced today it has hired John M. Stewart as senior vice president to manage the firm's new Rockies Region based in Denver, Colo. Along with Stewart, Grandbridge has also hired Penny A. Newton as vice president in the Denver office.

Stewart, Newton and their team will finance all types of income-producing properties.

"We are excited about John and Penny joining Grandbridge and opening our new Denver office. Their expertise is invaluable as we continue to expand our presence in the West," said Grandbridge Chairman and Chief Executive Officer Thomas S. Dennard. "John brings more than 30 years of experience and industry relationships to our clients. Combined with Penny's 20 years of commercial real estate experience, their expertise will immediately enhance Grandbridge's mortgage origination platform, not only in Denver and the Rockies Region but nationwide."

More information about the company is available at www.grandbridge.com.

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relief and go into court on an ex parte (expedited) basis to obtain a temporary restraining order to have the court order the resident to stop the egregious conduct or harmful activity. See MRL § 798.88. If the resident is threatening a park employee, then the park may need to consider filing a workplace violence petition to obtain a restraining order to protect the park employee against the threatening resident.

The MRL provides many options for California park owners and managers to effectively enforce the park's rules and regulations. An attorney knowledgeable and familiar with the MRL can provide effective and efficient assistance to preserve and pursue a park's rights in enforcing those rules.



Elissa Klug is an associate with Hart King, a Southern California boutique law firm, and is a member of the manufactured housing practice group. She focuses her practice on a variety of civil litigation matters, has litigated numerous mobilehome park possessory interest trials and regularly handles landlord-tenant disputes on behalf of land owners regarding rules and regulations violations.

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