

Subletting in Mobilehome Parks



Date & Time:

September 30, 2021 / 11 a.m. – 11:30 a.m.

Webinar Presented by:

Robert Williamson & Vickie Chan

Hart | King

Who are Robert & Vickie ?



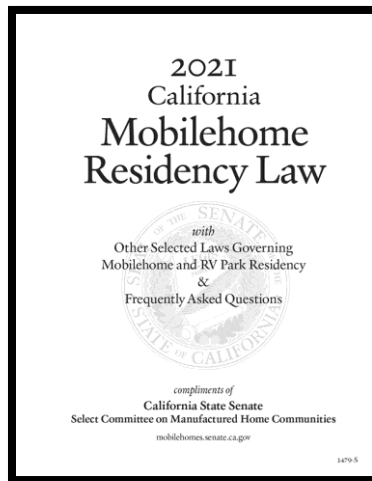
Robert Williamson, Jr. is a litigation partner at Hart King with over 30 years of wide-range experience representing owners in state and federal courts and before governmental regulatory agencies. He has represented mobilehome park/manufactured housing community owners defending against mass failure to maintain and discriminatory housing practice claims as well as land use issues involving entitlements, subdivisions and closures.



Vickie Chan is an associate with Hart King and is a member of the firm's manufactured housing and litigation practice groups. She has experience representing clients in all aspects of litigation, including discovery, motion practice, and trials. She regularly represents mobilehome parks and RV parks in all aspects of landlord-tenant disputes, including evictions and injunctions.

Overview

- Can a Park prevent residents from subleasing their mobilehome?
- What section(s) of the Mobilehome Residency Law applies to subleasing?
- Should the original tenant and new tenant (subtenant) sign a written agreement?
- Who can evict subtenants?



AB 861, As Amended, Bennett.

Mobilehome Parks: Rental Restrictions: Management.

- Existing law, the Mobilehome Residency Law, regulates mobilehome parks and subjects the owner of the park and any person employed by the park to all park rules and regulations to the same extent as residents and their guests. Existing law exempts from those provisions any rules and regulations governing the age of residents or guests, and actions that are taken to fulfill a park owner's maintenance, management, and business operation responsibilities.
- This bill would require management, as defined, to comply with a rule or regulation prohibiting the renting or subleasing of the homeowner's mobilehome or mobilehome space and would prohibit management from renting a mobilehome owned by management except ~~to a person employed by management, as specified.~~ *that the bill would authorize management to directly rent up to 2 mobilehomes within the park for the purpose of housing onsite employees, as defined, and would authorize management to directly rent one additional mobilehome for every 200 mobilehomes in the park for that same purpose. The bill would, notwithstanding this limit, also authorize management to continue to directly rent a mobilehome to a tenant if the tenancy was initially established by a rental agreement executed before January 1, 2022, and a tenant listed in the agreement continues to occupy the mobilehome.*

Section 1. Section 798.23 Of The Civil Code Is Amended To Read:

798.23. (a) Management shall be subject to, and comply with, all park rules and regulations to the same extent as residents and their guests.

(b) Subdivision (a) of this section does not apply to either of the following:

(1) Any rule or regulation that governs the age of any resident or guest.

(2) Acts of management that are undertaken to fulfill management's maintenance, management, and business operation responsibilities.

(c) (1) Notwithstanding subdivision (b) and subject to paragraph (2), management shall be subject to, and comply with, all rules and regulations that prohibit a homeowner from renting or subleasing the homeowner's mobilehome or mobilehome space.

(2) (A) If a rule or regulation has been enacted that prohibits either renting or subleasing by a homeowner, management shall not directly rent a mobilehome except **in the case of a mobilehome being rented or subleased to a person employed by management.** *as follows:*

Section 1. Section 798.23 Of The Civil Code Is Amended To Read:

~~(B) This paragraph does not apply to a mobilehome tenant or subtenant who has been designated as an employee of management for the purpose of evading a rental or subleasing prohibition.~~

(i) Management may directly rent up to two mobilehomes within the park for the purpose of housing onsite employees.

(ii) For every 200 mobilehomes in a park, the management may directly rent one more mobilehome within the park, in addition to the mobilehomes authorized for direct rental pursuant to clause (i), for the purpose of housing onsite employees.

(B) For purposes of this paragraph, “the purpose of housing onsite employees” includes directly renting a mobilehome to a person who is not an onsite employee to avoid a vacancy during times when the mobilehome is authorized for direct rental pursuant to subparagraph (A) and not needed for housing onsite employees.

(d) Notwithstanding subdivision (c), management may continue to directly rent a mobilehome to a tenant if both of the following apply:

(1) The tenancy was initially established by a rental agreement executed before January 1, 2022.

(2) A tenant listed on the rental agreement described in paragraph (1) continues to occupy the mobilehome.

AB 861 - this bill has not yet been signed by the Governor. He has until October 10 to sign or veto bills.

Questions?



Thank you!



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