

Com 7

82 LSO-215

SENATE FILE 55

SENATE FILE 55

Title:

AN ACT to create W.S. 34-23-101 through 34-23-110 relating to mobile home parks; providing rights of tenants in such parks; prohibiting certain types of practices by landlords of such parks and sellers of mobile homes; providing definitions; providing exceptions; providing penalties; and providing for an effective date.

Introduced by: Sen. M. J. Karch

DATE	ACTION	DATE	ACTION
2/11/82	introduced 87042, 2nd Read first time Referred to Com. No. 7 Delivered to Printing Com Returned from Printing Com Delivered to Com. No. 7		
2-20-82	READING COMM. REPORT		
	AMEND AND DO PASS		
2-20-82	CONSIDERED ON COM. OF WHOLE		
	STANDING COM. AND 1 ADOPTED SF 55551-A		
	AMENDED AS FOLLOWS SF 55551-A		
	AMENDED AS FOLLOWS SF 55552-A		
	DO PASS		
2/24/82	READ SECOND TIME		
	AMENDED AS FOLLOWS SF 55551-A		
2/23/82	READ THIRD TIME		
	AMENDED AS FOLLOWS SF 55551-A		
	APR 17 1982 PASSED SEN. J. W. ... U.S. ... ABSENT, A		
	SENT TO HOUSE 2-150		
2-25-82	ENGROSSED		
	Sent to House		
FEB 24 1982	READ FIRST TIME		
	REFERRED TO COM. NO. 7		
	DELIVERED TO COM. NO. 7		

Prod in Committee

CONTINUED ON BACK

Roll Call of the Senate

of the FORTY-SIXTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY	✓			
30 BOYLE		✓		
29 BUSSART		✓		
28 CHRISTENSEN	✓			
27 CUNDALL				
26 DAILY		✓		
25 DOWNING		✓		
24 FRISBY	✓			
23 GEIS	✓			
22 HICKEY			✓	
21 LARSON, R.	✓			
20 MAJHANOVICH		✓		
19 MOORE	✓			
18 NICHOLAS	✓			
17 NICHOLS		✓		
16 NORRIS		✓		
15 NORTHRUP		✓		
14 PARKS-GADDIS	✓			
13 PECK	✓			
12 PROFFIT			✓	
11 RECTOR		✓		
10 SADLER		✓		
9 SEDAR		✓		
8 STAFFORD	✓			
7 STROOCK		✓		
6 TAGGART		✓		
5 TRUE	✓			
4 TURNER		✓		
3 YOUTZ	✓			
2 ZIMMER	✓			
1 MR. PRESIDENT	✓			

PRESENT

AYES

NOES

EXCUSED

ABSENT

TOTAL

14

14

2

0

30

Roll Call of the Senate

of the FORTY-SIXTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY	✓			
30 BOYLE	✓			
29 BUSSART	✓			
28 CHRISTENSEN		✓		
27 CUNDALL				
26 DAILY	✓			
25 DOWNING		✓		
24 FRISBY	✓			
23 GEIS		✓		
22 HICKEY			✓	
21 LARSON, R.				
20 MAJHANOVICH				
19 MOORE		✓		
18 NICHOLAS	✓			
17 NICHOLS	✓			
16 NORRIS	✓			
15 NORTHRUP	✓			
14 PARKS-GADDIS		✓		
13 PECK	✓			
12 PROFFIT			✓	
11 RECTOR	✓			
10 SADLER	✓	✓		
9 SEDAR	✓			
8 STAFFORD		✓		
7 STROOCK	✓			
6 TAGGART	✓			
5 TRUE		✓		
4 TURNER			✓	
3 YOUTZ	✓			
2 ZIMMER		✓		
1 MR. PRESIDENT		✓		

PRESENT	AYES	18
	NOES	10
	EXCUSED	3
	ABSENT	0
	TOTAL	30

5855

Lutro

Date 3/11/02

Roll Call of the Senate

of the FORTY-SIXTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY	✓			
30 BOYLE	✓			
29 BUSSART	✓			
28 CHRISTENSEN	✓			
27 GUNDALE				
26 DAILY	✓			
25 DOWNING	✓			
24 FRISBY	✓			
23 GEIS	✓			
22 HICKEY	absent			
21 LARSON, R.	✓			
20 MAJHANOVICH	✓			
19 MOORE	✓			
18 NICHOLAS	✓	✓		
17 NICHOLS	✓			
16 NORRIS	✓			
15 NORTHRUP	✓			
14 PARKS - GADDIS		✓		
13 PECK	✓			
12 PROFFIT	✓			
11 RECTOR	✓			
10 SADLER	✓			
9 SEDAR	✓			
8 STAFFORD	✓			
7 STROOCK	✓			
6 TAGGART	✓			
5 TRUE	✓			
4 TURNER	✓			
3 YOUTZ	✓			
2 ZIMMER	✓			
1 MR. PRESIDENT	✓			

PRESENT _____

AYES 27
 NOES 2
 EXCUSED 0
 ABSENT 0
 TOTAL 32

ENGROSSED

1982

STATE OF WYOMING

82LSO-215/eng

SENATE FILE NO. 55

Mobile home parks.

Sponsored by: Senator MAJHANOVICH

A BILL

for

1 AN ACT to create W.S. 34-23-101 through 34-23-110 relating
2 to mobile home parks; providing rights of tenants in such
3 parks; prohibiting certain types of practices by landlords
4 of such parks and sellers of mobile homes; providing
5 definitions; providing exceptions; providing penalties;
6 and providing for an effective date.

7 Be It Enacted by the Legislature of the State of Wyoming:

8 Section 1. W.S. 34-23-101 through 34-23-110 are
9 created to read:

10

CHAPTER 23

1 MOBILE HOME PARK LANDLORD-TENANT ACT

2 34-23-101. Definitions; application of act.

3 (a) As used in this act:

4 (i) "Mobile home" means:

5 (A) Modular homes;

6 (B) Prebuilt homes;

7 (C) Units which are designed, con-
8 structed and equipped as a dwelling place or living abode
9 to which wheels may be attached for movement upon streets
10 or highways.

11 (ii) "Mobile home park" means a parcel of land
12 used for the accommodation of occupied mobile homes;

13 (iii) "This act" means W.S. 34-23-101 through
14 34-23-110.

15 (b) This act does not apply to a mobile home park
16 owned by the employer of the tenants residing in the park
17 and used by the employer for the sole and exclusive use
18 and benefit of the owner's employees.

19 34-23-102. Termination of tenancy; notice to quit.

1 (a) Notwithstanding the provisions of W.S.
2 1-21-1003, no tenancy or other estate at will or lease in
3 a mobile home park, however created, may be terminated,
4 except after service of notice to quit in writing.

5 (b) Service by posting is legally sufficient if the
6 notice is affixed to the main entrance of the mobile home.

7 (c) Except as provided in W.S. 34-23-103, the tenant
8 shall be given a period of not less than thirty (30) days,
9 to be extended to not less than sixty (60) days where the
10 tenant must remove a multisection mobile home, to remove
11 any mobile home from the premises from the date the notice
12 is served or posted. In those situations where a
13 multisection mobile home is being leased to, or occupied
14 by, persons other than its owner and in a manner contrary
15 to the rules and regulations of the landlord, then, in
16 that event, the tenancy may be terminated by the landlord
17 upon giving a thirty (30) day notice rather than a sixty
18 (60) day notice.

19 (d) No lease shall contain any provision by which
20 the tenant waives his rights under this act and any waiver
21 shall be deemed contrary to public policy and is unen-
22 forceable and void. However, any lease may provide that

1 the tenancy may be terminated on the landlord's notice in
2 writing to the tenant in the manner provided by subsection
3 (c) of this section.

4 34-23-103. Nonpayment of rent. Any tenancy or other
5 estate at will or lease in a mobile home park may be
6 terminated upon the landlord's written notice to the
7 tenant requiring, in the alternative, payment of rent or
8 the removal of the tenant's unit from the premises, within
9 a period of not less than five (5) days after the date
10 notice is served or posted for failure to pay rent when
11 due. Rent shall not be increased without thirty (30) days
12 written notice to the tenant.

13 34-23-104. Termination prohibited. A tenancy or
14 other estate at will or lease in a mobile home park may
15 not be terminated solely for the purpose of making the
16 tenant's space in the park available for another mobile
17 home.

18 34-23-105. Tenant meetings. Meetings of tenants
19 relating to mobile home living and affairs in their park
20 community hall or recreation hall, if such a facility or
21 similar facility exists, shall not be subject to prohibi-
22 tion by the park management if the hall is reserved
23 according to the park rules and the meetings are held at

1 reasonable hours and when the facility is not otherwise in
2 use.

3 34-23-106. Entry fees prohibited; entry fee defined.

4 (a) The owner of a mobile home park, the agent of
5 the owner, a tenant or any owner of a mobile home shall
6 neither pay to nor receive from an owner or a seller of a
7 mobile home or any other person an entry fee of any type
8 as a condition of tenancy in a mobile home park.

9 (b) As used in this section, "entry fee" means any
10 fee paid to or received from an owner of a mobile home
11 park or his agent except for:

12 (i) Rent;

13 (ii) A security deposit against actual damages
14 to the premises or to secure rental payments, which
15 deposit may be no greater than the amount of one (1)
16 month's rent or two (2) months' rent in the case of
17 multiwide units. Security deposits are the property of
18 the tenant and they shall be deposited into a separate
19 trust account by the landlord to be administered by the
20 landlord as a private trustee. For the purpose of pre-
21 serving the corpus, the landlord will not commingle the
22 trust funds with other money, but he is permitted to keep

1 the interest and profits thereon as his compensation for
2 administering the trust account;

3 (iii) Fees charged by any state, county, town
4 or city governmental agency;

5 (iv) Utilities;

6 (v) Incidental reasonable charges for services
7 actually performed by the mobile home park owner or his
8 agent and agreed to in writing by the tenant.

9 34-23-107. Closed parks prohibited.

10 (a) The owner of a mobile home park or his agent
11 shall not require as a condition of tenancy in a mobile
12 home park that the prospective tenant has purchased a
13 mobile home from any particular seller or from any one of
14 a particular group of sellers.

15 (b) The owner or agent shall not give any special
16 preference in renting to a prospective tenant who has pur-
17 chased a mobile home from a particular seller.

18 (c) A seller of mobile homes shall not require as a
19 condition of sale that a purchaser locate in a particular
20 mobile home park or in any one of a particular group of
21 mobile home parks.

1 34-23-108. Selling fees prohibited. The owner of a
2 mobile home park, his agent, a tenant or any owner of a
3 mobile home shall not require payment of any type of
4 selling fee or transfer fee as a condition of selling a
5 mobile home to another party or by any party wishing to
6 buy a mobile home from a tenant in the park as a condition
7 of tenancy in a mobile home park for the prospective
8 buyer. This section shall in no way prevent the owner of
9 a mobile home park or his agent from applying the park
10 rules and regulations to prospective buyers before grant-
11 ing or denying tenancy or from charging a reasonable
12 selling fee or transfer fee for services actually per-
13 formed. Nothing in this section shall be construed to
14 affect the rent charged. The owner of a mobile home shall
15 have the right to place a "for sale" sign on or in his
16 mobile home. The size, placement and character of the
17 signs shall be subject to reasonable rules and regulations
18 of the mobile home park.

19 34-23-109. Certain types of landlord-seller agree-
20 ments prohibited. A seller of mobile homes shall not pay
21 or offer cash or other consideration to the owner of a
22 mobile home park or his agent for the purpose of reserving
23 spaces or otherwise inducing acceptance of one (1) or more

1 mobile homes in a mobile home park.

2 34-23-110. Penalty. Any person violating this act is
3 guilty of a misdemeanor punishable by a fine not to exceed
4 two hundred dollars (\$200.00).

5 Section 2. This act is effective June 1, 1982.

6 (END)

- ✓ Page 1-line 1 ✓ After "definitions;" insert "providing exceptions;".
- ✓ Page 2-line 2 ✓ After "Definitions" insert "application of act".
- Page 2-after line 14 insert the following:
- Insert #1* ✓ (b) This act does not apply to a mobile home park owned by the employer of the tenants residing in the park and used by the employer for the sole and exclusive use and benefit of the owner's employees.
- ✓ Page 2-line 16 ✓ After "(a)" delete "No" and insert "Notwithstanding the provisions of W.S. 1-21-1003, no".
- ✓ Page 3-line 20 ✓ After "tenant" delete the comma; delete "such prescribed" and insert "the"; after "manner" delete the balance of the line and insert "provided by subsection (c) of this section."
- ✓ Page 3-lines 21 through 23 Delete entirely.
- ✓ Page 4-lines 1 through 8 Delete entirely.
- ~~Page 5-line 1 After "rent" insert "or incidental or reasonable charges".~~
- ~~Page 8-line 3 Delete "or".~~
- ~~Page 8-line 6 Delete the period and insert "; or".~~
- ~~Page 8-after line 6 insert the following:~~
- (vi) Damage to the property of the landlord and any other loss or damage permitted by law.
- ✓ Page 8-line 11 ✓ Delete the second semicolon and insert a period.
- ✓ Page 8-line 12 ✓ Delete entirely.
- ✓ Page 8-line 13 ✓ Delete "or".
- ✓ Page 8-line 14 ✓ After the comma insert "a tenant or any owner of a mobile home".
- ✓ Page 8-line 15 ✓ After "home" insert "or any other person".
- Page 8-line 18 Delete "to"; after "received" delete the balance of the line.
- Page 8-line 19 Delete "park or his agent"; delete "for:" and insert "fees provided in W.S. 34-23-107."
- Page 8-line 20 Delete entirely.
- ~~Page 9-lines 1 through 18 Delete entirely.~~
- ✓ Page 10-line 12 ✓ Delete "or" and insert a comma; after "agent" insert ", a tenant or any owner of a mobile home".
- ✓ Page 10-line 13 ✓ After the second "fee" delete the balance of the line.
- ✓ Page 10-line 14 ✓ Delete the line through "his" and insert "as a condition of selling a".
- ✓ Page 10-line 19 ✓ Delete "normal park standards" and insert
- ✓ "park rules and regulations".
- ✓ Page 10-line 22 ✓ After "performed" insert a period; delete the balance of the line.
- ✓ Page 10-line 23 ✓ Delete "the tenant".-STAFFORD

Deleted by
SF55SS31/A

Deleted by
SF55SS31/A

Deleted by
SF55SS31/A

Deleted by
SF55SS31/A

SF55SW1/A

✓ Page 4-line 15 Delete "shall" and insert "may"
-MAJHANOVICH

Deleted
by
SF55S31/A

SF55SW2/A

✓ Page 11-line 14 Delete "one" and insert "two"; delete
"\$100.00" and insert "\$200.00". -ZIMMER

SF55S21/A

✓ Page 6-line 22 ✓ Delete "sixty (60)" and insert "thirty
(30)". -TAGGART

SF55S31/A

- ✓ Page 1-line 1 ✓ Delete "34-23-112" and insert "34-23-110".
- ✓ Page 1-line 8 ✓ Delete "34-23-112" and insert "34-23-110".
- ✓ Page 2-line 14 ✓ Delete "34-23-112" and insert "34-23-110".
- ✓ Page 3-line 3 ✓ Delete "34-23-104" and insert "34-23-103".
- ✓ Page 4-line 15 ✓ Delete the Majhanovich committee of the
whole amendment (SF55SW1/A) to this line.
- ✓ Page 4-lines 9 through 22 Delete entirely.
- ✓ Page 5-line 1 ✓ Delete the standing committee amendment
(SF55SS1/A) to this line.
- ✓ Page 5-lines 1 through 23 Delete entirely.
- ✓ Page 6-lines 1 through 14 Delete entirely.
- ✓ Page 6-line 15 ✓ Delete "34-23-104." and insert
"34-23-103."
- ✓ Page 7-line 1 ✓ Delete "34-23-105." and insert
"34-23-104."
- ✓ Page 7-line 6 ✓ Delete "34-23-106." and insert
"34-23-105."
- ✓ Page 7-lines 14 through 21 Delete entirely.
- ✓ Page 8 ✓ Delete the standing committee amendment
(SF55SS1/A) to lines 3, 6 and after line
line 6.
- ✓ Page 8-lines 1 through 10 Delete entirely.
- ✓ Page 8-line 11 ✓ Delete "34-23-108." and insert
"34-23-106."
- ✓ Page 8-lines 18, 19 and 20 Delete the standing committee
amendment (SF55SS1/A) to these lines.
- ✓ Page 9-lines 1 through 18 Delete the standing committee
amendment (SF55SS1/A) to these lines.
- ✓ Page 9-line 19 ✓ Delete "34-23-109." and insert
"34-23-107."
- ✓ Page 10-line 11 ✓ Delete "34-23-110." and insert
"34-23-108."
- ✓ Page 11-line 6 ✓ Delete "34-23-111." and insert
"34-23-109."
- ✓ Page 11-line 12 ✓ Delete "34-23-112." and insert
"34-23-110." -FRISBY

2

House of Intro
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

INTRODUCED

1982

STATE OF WYOMING

82LSO-215.01

SENATE FILE NO. 55

Mobile home parks.

Sponsored by: Senator MAJHANOVICH

Steve Majhanovich

A BILL

for

1 AN ACT to create W.S. 34-23-101 through 34-23-112 relating
2 to mobile home parks; providing rights of tenants in such
3 parks; prohibiting certain types of practices by landlords
4 of such parks and sellers of mobile homes; providing
5 definitions; providing penalties; and providing for an
6 effective date.

7 Be It Enacted by the Legislature of the State of Wyoming:

8 Section 1. W.S. 34-23-101 through 34-23-112 are
9 created to read:

10

CHAPTER 23

1 MOBILE HOME PARK LANDLORD-TENANT ACT

2 34-23-101. Definitions.

3 (a) As used in this act:

4 (i) "Mobile home" means:

5 (A) Modular homes;

6 (B) Prebuilt homes;

7 (C) Units which are designed, con-
8 structed and equipped as a dwelling place or living abode
9 to which wheels may be attached for movement upon streets
10 or highways.

11 (ii) "Mobile home park" means a parcel of land
12 used for the accommodation of occupied mobile homes;

13 (iii) "This act" means W.S. 34-23-101 through
14 34-23-112.

15 34-23-102. Termination of tenancy; notice to quit.

16 (a) No tenancy or other estate at will or lease in a
17 mobile home park, however created, may be terminated,
18 except after service of notice to quit in writing.

1 (b) Service by posting is legally sufficient if the
2 notice is affixed to the main entrance of the mobile home.

3 (c) Except as provided in W.S. 34-23-104, the tenant
4 shall be given a period of not less than thirty (30) days,
5 to be extended to not less than sixty (60) days where the
6 tenant must remove a multisection mobile home, to remove
7 any mobile home from the premises from the date the notice
8 is served or posted. In those situations where a
9 multisection mobile home is being leased to, or occupied
10 by, persons other than its owner and in a manner contrary
11 to the rules and regulations of the landlord, then, in
12 that event, the tenancy may be terminated by the landlord
13 upon giving a thirty (30) day notice rather than a sixty
14 (60) day notice.

15 (d) No lease shall contain any provision by which
16 the tenant waives his rights under this act and any waiver
17 shall be deemed contrary to public policy and is unen-
18 forceable and void. However, any lease may provide that
19 the tenancy may be terminated on the landlord's notice in
20 writing to the tenant, in such prescribed manner, to
21 remove the tenant's unit from the premises within a period
22 of not less than thirty (30) days, to be extended to not
23 less than sixty (60) days where the tenant must remove a

1 multisection mobile home, from the date the notice is
2 served or posted. In those situations where a
3 multisection mobile home is being leased to, or occupied
4 by, persons other than its owner and in a manner contrary
5 to the rules and regulations of the landlord, then, in
6 that event, the tenancy may be terminated by the landlord
7 upon giving a thirty (30) day notice rather than a sixty
8 (60) day notice.

9 (e) The landlord or management of a mobile home park
10 shall specify, in the notice required by this section, the
11 reason for the termination of any tenancy in the mobile
12 home park.

13 34-23-103. Reasons for termination.

14 (a) A tenancy or other estate at will or lease in a
15 mobile home park shall be terminated pursuant to this act
16 only for one (1) or more of the following reasons:

17 (i) Failure of the tenant to comply with local
18 ordinances and state laws and regulations relating to
19 mobile homes;

20 (ii) Conduct of the tenant, on the mobile home
21 park premises, which constitutes an annoyance to other
22 tenants or interference with park management;

1 (iii) Failure of the tenant to pay rent when
2 due or to otherwise comply with rules and regulations of
3 the mobile home park either established by the management
4 in the rental agreement at the inception of the tenancy,
5 amended subsequently thereto with the consent of the
6 tenant or amended subsequently thereto without the consent
7 of the tenant on sixty (60) days written notice if the
8 amended rules and regulations are reasonable, except when
9 local ordinances and state laws and regulations or emer-
10 gency situations require immediate compliance. However,
11 regulations applicable to recreational facilities may be
12 amended at the discretion of the management;

13 (iv) Condemnation or change of use of the
14 mobile home park. When the owner of a mobile home park is
15 formally notified by an appropriate governmental agency
16 that his mobile home park is the subject of a condemnation
17 proceeding, the landlord shall, within seventeen (17)
18 days, notify his tenants in writing of the terms of the
19 condemnation notice which he receives. In those cases
20 where the zoning law allows the landlord to change the use
21 of his land without obtaining the consent of the zoning
22 authority and where the change of use would result in
23 eviction of inhabited mobile homes, the landlord shall

1 first give the owner of each mobile home subject to evic-
2 tion a written notice of his intent to evict not less than
3 six (6) months prior to the change of use of the land,
4 notice to be mailed to each tenant;

5 (v) The making or causing to be made, with
6 knowledge, of false or misleading statements on an appli-
7 cation for tenancy.

8 (b) In an action pursuant to this act, the landlord
9 shall have the burden of proving that he complied with the
10 relevant notice requirements and that he provided the
11 tenant with a statement of reasons for the termination.
12 It is an affirmative defense that the landlord's allega-
13 tions are false or that the reasons for termination are
14 invalid.

15 34-23-104. Nonpayment of rent. Any tenancy or other
16 estate at will or lease in a mobile home park may be
17 terminated upon the landlord's written notice to the
18 tenant requiring, in the alternative, payment of rent or
19 the removal of the tenant's unit from the premises, within
20 a period of not less than five (5) days after the date
21 notice is served or posted for failure to pay rent when
22 due. Rent shall not be increased without sixty (60) days
23 written notice to the tenant.

1 34-23-105. Termination prohibited. A tenancy or
2 other estate at will or lease in a mobile home park may
3 not be terminated solely for the purpose of making the
4 tenant's space in the park available for another mobile
5 home.

6 34-23-106. Tenant meetings. Meetings of tenants
7 relating to mobile home living and affairs in their park
8 community hall or recreation hall, if such a facility or
9 similar facility exists, shall not be subject to prohibi-
10 tion by the park management if the hall is reserved
11 according to the park rules and the meetings are held at
12 reasonable hours and when the facility is not otherwise in
13 use.

14 34-23-107. Restriction of fees - legal process.

15 (a) The owner of a mobile home park or his agents
16 shall not charge any fees or fines to tenants other than:

17 (i) Charges for rent;

18 (ii) A security deposit against actual damage
19 to the premises or to secure rental payments, which
20 deposit shall not be greater than the amount of one (1)
21 month's rent or two (2) months' rent for multiwide units;

1 (iii) Fees charged by any state, county or
2 city government agency;

3 (iv) Charges for utilities; or

4 (v) Incidental reasonable charges for services
5 actually performed by the owner or his agents and agreed
6 to in writing by the tenant.

7 (b) Legal process, other than eviction, shall be
8 used for the collection of utility charges and incidental
9 service charges other than those provided by the rental
10 agreement.

11 34-23-108. Entry fees prohibited; entry fee defined;
12 security deposit; court costs.

13 (a) The owner of a mobile home park, or the agent of
14 the owner, shall neither pay to nor receive from an owner
15 or a seller of a mobile home an entry fee of any type as a
16 condition of tenancy in a mobile home park.

17 (b) As used in this section, "entry fee" means any
18 fee paid to or received from an owner of a mobile home
19 park or his agent except for:

20 (i) Rent;

1 (ii) A security deposit against actual damages
2 to the premises or to secure rental payments, which
3 deposit may be no greater than the amount of one (1)
4 month's rent or two (2) months' rent in the case of
5 multiwide units. Security deposits are the property of
6 the tenant and they shall be deposited into a separate
7 trust account by the landlord to be administered by the
8 landlord as a private trustee. For the purpose of pre-
9 serving the corpus, the landlord will not commingle the
10 trust funds with other money, but he is permitted to keep
11 the interest and profits thereon as his compensation for
12 administering the trust account;

13 (iii) Fees charged by any state, county, town
14 or city governmental agency;

15 (iv) Utilities;

16 (v) Incidental reasonable charges for services
17 actually performed by the mobile home park owner or his
18 agent and agreed to in writing by the tenant.

19 34-23-109. Closed parks prohibited.

20 (a) The owner of a mobile home park or his agent
21 shall not require as a condition of tenancy in a mobile

1 home park that the prospective tenant has purchased a
2 mobile home from any particular seller or from any one of
3 a particular group of sellers.

4 (b) The owner or agent shall not give any special
5 preference in renting to a prospective tenant who has pur-
6 chased a mobile home from a particular seller.

7 (c) A seller of mobile homes shall not require as a
8 condition of sale that a purchaser locate in a particular
9 mobile home park or in any one of a particular group of
10 mobile home parks.

11 34-23-110. Selling fees prohibited. The owner of a
12 mobile home park or his agent shall not require payment of
13 any type of selling fee or transfer fee by either a tenant
14 in the park wishing to sell his mobile home to another
15 party or by any party wishing to buy a mobile home from a
16 tenant in the park as a condition of tenancy in a mobile
17 home park for the prospective buyer. This section shall
18 in no way prevent the owner of a mobile home park or his
19 agent from applying the normal park standards to prospec-
20 tive buyers before granting or denying tenancy or from
21 charging a reasonable selling fee or transfer fee for
22 services actually performed and agreed to in writing by
23 the tenant. Nothing in this section shall be construed to

1 affect the rent charged. The owner of a mobile home shall
2 have the right to place a "for sale" sign on or in his
3 mobile home. The size, placement and character of the
4 signs shall be subject to reasonable rules and regulations
5 of the mobile home park.

6 34-23-111. Certain types of landlord-seller agree-
7 ments prohibited. A seller of mobile homes shall not pay
8 or offer cash or other consideration to the owner of a
9 mobile home park or his agent for the purpose of reserving
10 spaces or otherwise inducing acceptance of one (1) or more
11 mobile homes in a mobile home park.

12 34-23-112. Penalty. Any person violating this act is
13 guilty of a misdemeanor punishable by a fine not to exceed
14 one hundred dollars (\$100.00).

15 Section 2. This act is effective June 1, 1982.

16 (END)

Mobile home parks.

82LSO- 215.L2

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED COST		

No apparent fiscal or personnel impact.

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