

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 30, 2010
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB10-156 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, strike line 2.
- 2 Page 3, line 3, strike "COMMUNITIES," and substitute "BECAUSE OF".
- 3 Page 3, line 8, strike "FROM EVICTION WITHOUT CAUSE AND".
- 4 Page 3, strike lines 16 through 19 and substitute "viability of current
5 parks."
- 6 Page 4, line 25, strike "NINETY" and substitute "SIXTY".
- 7 Page 5, strike lines 1 through 5 and substitute "posted. ~~In those situations
8 where a multisection mobile home is being leased to, or occupied by,
9 persons other than its owner and in a manner contrary to the rules and
10 regulations of the landlord, then in that event, the tenancy may be
11 terminated by the landlord upon giving a thirty-day notice rather than said
12 sixty-day notice.~~".
- 13 Page 5, strike lines 8 and 9 and substitute "ten days ~~to be extended to not
14 less than fifteen days where the home owner must remove a multisection
15 mobile home;~~ to remove any mobile".
- 16 Page 5, line 12, after "his" insert "OR HER".

1 Page 5, strike lines 14 through 23 and substitute "~~However, any lease may~~
2 ~~provide that the tenancy may be terminated on the landlord's notice in~~
3 ~~writing to the home owner, in such prescribed manner, to remove the~~
4 ~~home owner's unit from the premises within a period of not less than~~
5 ~~thirty days, to be extended to not less than sixty days where the home~~
6 ~~owner must remove a multisection mobile home, from the date the notice~~
7 ~~is served or posted. In those situations where a multisection mobile home~~
8 ~~is being leased to, or occupied by, persons other than its owner and in a~~
9 ~~manner contrary to the rules and regulations of the landlord, then, in that~~
10 ~~event, the tenancy may be terminated by the landlord upon giving a~~
11 ~~thirty-day notice rather than said sixty-day notice.~~".

12 Page 6, line 8, strike "NINETY-DAY" and substitute "SIXTY-DAY".

13 Page 6, line 9, strike "AND".

14 Page 6, line 10, strike "SUBSECTION (2)".

15 Page 6, strike lines 16 through 20 and substitute:

16 "(4) (a) IF THE TENANCY IS TERMINATED DUE TO A CHANGE IN USE,
17 THE LANDLORD SHALL PROVIDE COMPENSATION TO THE HOME OWNER AS
18 FOLLOWS:

19 (I) IF THE HOME OWNER IS UNABLE TO MOVE THE MOBILE HOME
20 DUE TO THE PERMANENT OR SEMIPERMANENT NATURE OF THE HOME, THE
21 LANDLORD SHALL PROVIDE COMPENSATION TO THE HOME OWNER FOR THE
22 FAIR MARKET VALUE OF THE HOME; OR

23 (II) IF THE HOME OWNER IS READILY ABLE TO MOVE THE MOBILE
24 HOME DUE TO THE MOBILE NATURE OF THE HOME, THE LANDLORD SHALL
25 COMPENSATE THE HOME OWNER FOR ANY EXPENSES THE HOME OWNER
26 INCURS IN MOVING THE HOME; EXCEPT THAT THE LANDLORD SHALL NOT
27 BE REQUIRED TO COMPENSATE THE HOME OWNER FOR ANY EXPENSES
28 ABOVE AND BEYOND THE FAIR MARKET VALUE OF THE HOME. ANY
29 COMPENSATION REQUIRED BY THIS SUBPARAGRAPH (II) SHALL BE PAID BY
30 THE LANDLORD TO THE HOME OWNER NO LATER THAN FIVE DAYS AFTER
31 THE HOME OWNER INCURS SUCH EXPENSES AND REPORTS THE EXPENSES TO
32 THE LANDLORD.

33 (b) IF A LANDLORD TERMINATES A TENANCY AS DESCRIBED IN

1 PARAGRAPH (a) OF THIS SUBSECTION (4), THE NOTICE REQUIRED BY
2 SECTION 38-12-204.3 SHALL INCLUDE A SECTION ADVISING THE HOME
3 OWNER OF THE COMPENSATION REQUIRED BY THIS SUBSECTION (4).".

4 Page 8, line 19, strike "~~six~~" and substitute "six".

5 Page 8, line 20, strike "~~months~~ ONE YEAR" and substitute "months".

6 Page 9, strike line 16 and substitute:

7 "PURSUANT TO SECTION 38-12-216 OF THE "MOBILE HOME
8 PARK ACT".".

9 Page 10, line 22, after "OWNER" insert "SHALL PREPAY TO THE LANDLORD
10 AN AMOUNT EQUAL TO THE TOTAL AMOUNT DUE TO THE LANDLORD AND".

11 Page 10, line 23, strike "PAY" and substitute "PREPAY".

12 Page 10, strike lines 24 through 26 and substitute "LANDLORD FOR EACH
13 DAY THE MOBILE HOME WILL REMAIN ON THE PREMISES AFTER THE
14 SEVENTH DAY FOLLOWING THE COURT RULING.".

15 Page 11, line 13, strike "PURPOSE OF PEACEABLE ASSEMBLY" and
16 substitute "RESIDENTS OF THE MOBILE HOME PARK AND ANY INVITED
17 GUESTS OF THE RESIDENTS OF THE MOBILE HOME PARK TO PEACEABLY
18 ASSEMBLE.".

19 Page 12, line 7, before "MONTHLY" insert "LANDLORD SHALL REDUCE
20 THE".

21 Page 12, line 8, strike "SHALL BE REDUCED".

22 Page 13, line 1, strike "~~one hundred~~" and substitute "one hundred".

23 Page 13, line 2, strike "~~eighty days~~ ONE YEAR" and substitute "eighty
24 days".

25 Page 13, line 24, strike "costs." and substitute "costs IF THE HOME OWNER
26 IS SUCCESSFUL IN THE ACTION.".

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