

TRANSFER OF MOBILEHOME (CIVIL CODE §798.70 – 798.83)

798.70 “FOR SALE” SIGNS

- Home seller may advertise home for sale by displaying sign.
- Section specifies acceptable locations and dimensions of sign.

798.71 MANAGEMENT SHOWING OR LISTINGS – PROHIBITIONS

- Management shall not list a home for sale without owner's written authorization.
- Management shall not prohibit listing or sale of home by homeowner, heir, agent, etc.
- Seller cannot be required to use specified agent as a condition of resale of the home.
- Owner replacing existing home can choose broker or dealer for purchase and installation of replacement home.

798.72 NO TRANSFER OR SELLING FEE

- Management cannot charge seller a transfer or selling fee as a condition of sale, unless management performs a service in the sale.
- Management shall not perform any service in connection with the sale unless seller requests the service in writing.

798.73 REMOVAL OF MOBILEHOME UPON THIRD PARTY SALE

- Management cannot require removal of a home sold to a third party.
- However, to update park quality, management may upon sale require removal of homes of certain ages and sizes, or if home is “significantly rundown or in disrepair.”
- Management may not require resale upgrades to the space (e.g. driveway repair).

798.73.5 HOME UPGRADES ON RESALE

- Management cannot adopt a "wish list" of costly improvements to be made at resale.
- The law restricts upgrades to home exteriors, and then only to comply with local or state requirements.

798.74 MANAGEMENT APPROVAL OF BUYER; CREDIT RATING REFUND

- Management can review the ability of the proposed homebuyer to pay park rents and fees, and research the proposed purchaser's prior tenancies, to determine the likelihood he or she will not comply with the park rules.
- When reviewing prospective homebuyers, management can inquire into only two areas (1) ability of the proposed purchaser to pay; and (2) likelihood they will comply with park rules. If approval of prospective homeowner is withheld for any other reason, management may be held liable for “all damages proximately resulting therefrom.”
- Management shall not require prospective homebuyer to submit copies of personal income tax returns to obtain approval for residency. Management may require purchaser to document the amount and source of their gross monthly income or their means of financial support.
- Within 15 business days after receiving all (residency application) information from the prospective homeowner, management shall notify seller and buyer in writing of acceptance or rejection, and reason if the prospective purchaser is rejected.

798.74.5 RENT DISCLOSURE TO PROSPECTIVE HOMEOWNERS

- Disclosure of dual nature of “homeowner” and “tenant.”
- Disclosure if MHP rent stabilization ordinance applies.

798.75 RENTAL AGREEMENT REQUIRED FOR PARK OCCUPANCY

- The home sale escrow must include either a copy of the rental agreement signed by the purchaser, or a statement that one has been agreed upon. It is the seller's responsibility to meet this requirement.

798.75.5 MOBILEHOME PARK DISCLOSURE FORM

- A disclosure form completed by park management must be given to prospective homebuyers concerning the condition of the park's common areas and infrastructure, pending lawsuits, drainage and flooding, and other matters that could influence the purchaser's decision on whether they want to live in that park.

798.76 SENIOR ONLY RESTRICTIONS

- If a park rule has limited residency to adults only, management may enforce the rule by requiring that the home purchaser satisfies the age requirement.

798.77 NO WAIVER OF RIGHTS

- No rental or sale agreement shall contain a provision by which the purchaser or homeowner waves their rights under the Mobilehome Residency Law. Any such waiver is contrary to public policy and is void and unenforceable.

798.78 RIGHTS OF HEIR OR JOINT TENANT OF OWNER

- This section clarifies any ambiguity about the rights of a homeowner's successors (after the death of the homeowner) to sell the home in the park without its removal, if the deceased homeowner could have done so.
- An heir who cannot qualify for a "55 or older" park may be admitted as one of the 20% of households who are not 55 or older, without violating the park policy to provide housing for older persons.

798.79 REPOSSESSION OF MOBILEHOME; SALE TO THIRD PARTY

- The legal owner of a repossessed home has the same rights of sale of the home to a third-party as the successors of a deceased homeowner. The legal owner must maintain the premises and pay all park rents and fees until the date of resale.

798.81 LISTING OR SALES – PROHIBITIONS

- Park management's right to consent to sales within the park presents the opportunity to unfairly control sales. This includes the extortion of sales commissions or referral fees from buyers or sellers. This section prohibits management requiring that it act as exclusive agent on all sales, or excluding other agents from potential sales within a park.