The Nuts and Bolts of Park Rules and Regulations, Part One

(Updated from an article published in The Californian)

By Bruce Stanton, GSMOL Corporate Counsel

Mobilehome or manufactured home communities are legally classified as multi-family or high-density residential housing developments, where many people typically occupy a limited amount of space. Given that residents live close to one another, and must necessarily share in the use and enjoyment of common area facilities, rules and regulations which regulate conduct within the community are both valuable and necessary.

Mobilehome owners would in truth not want to live in a community with no rules. Some regulation of conduct is necessary to ensure the quiet enjoyment of all residents, and to prevent chaos from overwhelming the community.

We know from reading the Mobilehome Residency Law (MRL) that the existence of rules and regulations are acknowledged by State law, and that they become a part of the rental agreement for the mobilehome space. Park owners have unilateral power to enact rules and regulations, since they own the property, and will hopefully do so in a fair and reasonable manner. But this is not always the case, and thus

issues commonly arise in connection with the content and enforcement of park rules and regulations.

I am routinely asked to review rules and regulations, and to give an opinion about a number of related issues. Some common questions which GSMOL receives are:

- What makes a Rule or Regulation "legal"? Or what makes it "reasonable"?

- Can the park owner enforce a given rule or regulation? How does enforcement occur?

- What procedure does the park use to amend a rule or regulation, and when does the amendment take effect?

- Does a park owner have to meet with residents before the amendment takes place, and what is required in such a meeting?

- Are any rules or regulations void on their face?

- How can I require my park owner to enforce its rules or regulations?

- Can I be charged a fee for enforcing rules or regulations?

- Can rules or regulations be retroactively enforced?

This article, which will appear in several parts, will address these common questions.

What makes a park rule "Legal" or "Reasonable"?

"Reasonable" is defined in Black's Law Dictionary as what is "fair, proper, just, moderate, suitable under the circumstances . . . not immoderate or excessive . . . rational, honest, equitable, fair, suitable...".

"There is no formula for the determination of reasonableness. Yet standards of this kind are not impermissively [sic] vague, provided their meaning can be objectively ascertained by reference to common experiences of mankind." (*People v. Daniels* (1969) 71 Cal.2d 1119, 1129.)

The MRL does not define rules or regulations (I will collectively refer to them as "rules") or directly speak to their legality. Thus, there are no defined categories or proper or improper rules. Rather, the MRL speaks to the ability of a park owner to enforce a rule or regulation, and Civil Code sec. 798.56 (d) states that a homeowner's tenancy may be terminated for failure "to comply with a ***reasonable*** rule or regulation".

Any rule or regulation which is not "reasonable" thus cannot be enforced, or by inference need not be followed. So to be "legal", the rule or regulation must be "reasonable".

The immediate question thus becomes: what makes a rule or regulation "reasonable"? The word can obviously be subject to differing interpretations.

But "reasonableness" is usually determined by factors such as

> (1) a legitimate purpose for the rule which benefits the community,
> (2) the ability of a homeowner to understand and comply with the rule, and

(3) the monetary cost of compliance with the rule.

If a rule does not serve to benefit the community in some way, is too complex or restrictive to be followed or is cost prohibitive, then it is more likely that a court would find the rule to be "un reasonable" and thus unenforceable.

For example, a rule that requires every resident to repaint their homes a certain color probably fails the reasonable test because its purpose is not rational or legitimate, and the cost would be prohibitive. Some homes may not require any paining at all, and to require only one given color would have no legitimate basis.

Time and space do not allow this article to discuss all of the different types of rules which may or may not be unreasonable. But some issues have been and will be considered separately in the future, such as rules relating to pets, speeding within the park or use of common areas facilities.

TO BE CONTINUED…

This article is part of a series produced by the GSMOL Leadership Training Committee. Articles by Bruce Stanton as well as other experts on mobilehome matters can be viewed and downloaded on the GSMOL website at https://gsmol.org/know-your-mh-rights

If you have further questions on this topic or want to discuss possible violations of law in your park related to this topic, please contact your GSMOL go-to person, who may be a Chapter officer, Associate Manager, Region Manager or Zone Vice President.

To find your go-to person, see the "Who's Who" page in the Californian magazine, or look on the Contact page at https://gsmol.org for the link to the Who's Who page.