



How To Respond To Or Handle A 7-Day Notice



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The Situation:

You live in a mobilehome park and have received a written 7-day Notice from park management to perform repairs to your home or alleging non-compliance with the park rules and regulations. What is the relevant law, how should you respond and what are your available options as a homeowner?

7-Day Notices in General:

It is first important to know the applicable law concerning what the mobilehome industry calls “7-Day Notices”. The Mobilehome Residency Law (MRL) provides at Civil Code 798.56 (d) that a homeowner can be evicted for failure to “comply with a reasonable rule or regulation of the park that is part of the rental agreement or any amendment thereto.” Civil Code 798.15 (b) provides that the rules and regulations are deemed to be a part of any rental agreement, and most parks have written rules. But no such eviction can occur unless or until a written 7-day notice of any alleged violation is first served upon the homeowner. This is not the eviction notice itself; a 60-day notice is required to evict.

But if you receive a 7-day Notice, it is thus important to take it seriously and respond within 7 days, since this could be a precursor to a subsequent 60-day termination of tenancy notice.

If compliance is performed within 7 days of the date of service of the Notice, then it

should be deemed satisfied. It is the date of service, not the date on the Notice, which determines how to count the 7 days.

It is important to note that if a 7-day notice has been given three or more times during a 12-month period for violation of the same rule or regulation, no new 7-day Notice is required, and the park owner could elect to proceed with a 60-day termination without providing any new 7-day notice period.

Common violations appearing in 7-Day Notices include:

- Repairs to the home, including painting or remedy of dangerous conditions under Title 25;
- Repairs to accessory structures, including stairs, awning supports, porches, or utility systems;
- Landscaping violations on the mobilehome space;
- Clean up of clutter or unapproved items;
- Removal of unauthorized occupants from the home;
- Cessation of unauthorized conduct or activity.

What a 7-Day Notice Should Contain

To be enforceable, a 7-Day Notice must:

- Recite the rule or regulation which is the basis for each alleged violation;
- Contain a clear description of how the rule or regulation is being violated;
- Contain a clear description of what performance is required, so that the homeowner knows how to comply with it.

How to Respond to a 7-Day Notice:

First it is important that the homeowner respond to the Notice, and that the response be **in writing**, so that you have a record of your response if needed. The response should be delivered to management in person if possible, or mailed/emailed if there is enough time to do so. The response should be made within the 7-day period, and could take one of the following forms:

1. The Notice is Vague, Ambiguous or Unclear

A homeowner cannot presume to adequately respond to or comply with a

Notice if it is unclear what it is asking or what rule is being violated. If there are 10 trees on the space and the Notice merely says: "Trim your Tree", the homeowner should ask for further guidance and clarification as to which tree is being referred to. Thus, this kind of written response should say: *"I've received the 7-Day Notice and am willing to comply if needed, but cannot tell from the Notice where the violation is or what you are asking. Please clarify which park rule is being violated (or please clarify what is being asked of me)".*

2. I Will Comply or Have Complied with the Notice

If the Notice is clear and the homeowner confirms that there is a violation, it is important to communicate that it will be or has been timely performed. If a contractor or third party is hired for any purpose, be sure to provide a copy of any receipt or report which confirms the work done if available. Offer to allow management to have a walk through or inspect for compliance. It is vital that the work be done within 7 days if at all possible. Remember that even if you comply with the notice, **if you do not do so until after the 7 days expire the park can technically still proceed with a 60-day notice.** If you need more time to comply, such as to hire a contractor or landscaper, then request that ASAP in your response.

3. The Notice is Inaccurate and there are No known Violations

If the homeowner is certain there is no violation as alleged, and wishes to dispute the Notice, you should do so in writing and clearly state the basis for your objection. **This kind of response should only be made if the facts or law supports the homeowner's position. Be very careful before you respond in this manner, and obtain qualified legal advice first if possible.** Choosing this option could begin a negotiation with management, or could result in the service of a 60-day Notice, or another 7-Day notice. Often management will serve multiple Notices so as appear reasonable and to create a clear "paper trail" in case they later go to court.

COMING NEXT: Part 2: 14-Day and 60-Day Notices

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