Representing Owners and Operators of Mobilehome Parks 101

WELCOME

- -Build a mobilehome park (MHP)practice in your state
- -Service existing clients owing or considering aquiring MHP
- -leave webinar with better MHP “issue spotting” skills
- - gain perspective on considerations unique to MHP law

My MHP law background

- over 40 years in the business

Over 30 years representing hundreds of park owners and operators

Frequent speaker to MHP associations

Loyola law

Drafting state and local mhp laws

Litigating state and fed court ‘impact litigation’ for mhp industry

Owned, operated ,bought, sold, refinanced 30 plus parks from California to Idaho , Utah, Chicago, Virginia, etc

Bias and limitations

- Only licensed in California
- Only practice in other states per its rules (vice-multi state transactional [REITS],etc .
- Partisan : strong pro park owner property rights (vs tenant representation)
- Too much material for more than a ‘once over lightly’
- Its great housing And great value And good business

MHP Economic model

- Disperate ownership makes mhp unique
- Land owner and land lessee (mh owner)
- Ramifications of split “ownership”
- Perception v reality of mhp landlord tenant relationship

California model of mhp regualtion

- Virtually all states now have similar basic regulatory structure
- Mrl (calif civil code sec 798 et seq) type collection of mhp laws
- Mhp’s act design, construction (health and safety code)
- Administrative regulatory authority (eg.- title 25/ HCD)
- Local laws (land use,zoning, rent control)
- Preemption issues abound in mhp law

The fed's role in all this

- Promoted MH in 70s (HUD code)
- standardized and preempted local building codes
- Ex of fed reg – DOT- gas lines
- FHA and HUD
- Energy department
- Preemption "duty to serve"
- Removing barriers to MH adoption
- ADA, DOL, Dodd-frank/qm/safe ACT, etc.

Need for trade assn and consultant involvement

- Virtually all states have mhp owner's Association (pac, education, resources)
- Association as repository :Most MHP issues draw from state local and fed law and regulations (multidisciplinary)
- Fed – MHI predominates- (community owners AND dealers AND manufacturers and vendors suppliers and.. Yes.. lawyers

Rubber meets mhp road: RENT CONTROL

- Apartments v MHPs (vacancy decontrol)
- Rent control is lawful
- Confiscatory rent control is unlawful/unconstitutional
- Coming to your town soon !
- Arbitration: FAA compliant arbitration

MHP insurance: unique issues

- Tenant insurance
- Park insurance
- Debris removal
- ”costs taxed against insured”
- “FTM and exclusions”
- Captive ins

Instant tips to wow your mhp clients

- “rent control proof” you client’s mhp (political/pr/and legal)
- Strong binding residency documents (contracts save property rights)
- Prohibit subleasing or require rent
- overage go to Park
- Right of first refusal/option to purchase (better than buying land back)
- FAA compliant arbitration agreements
- Client Owns park as llc or ltd partnership / consider operating groundlease
- Does client sell homes in the park ?
- Counsel client on “all age v senior “, etc (operations audit annually)

Thanks for learning with me

- Rob Coldren’s intro to representing MHP owners and operators
- rcoldren@coldrenlawoffices.com
- 7149556106