Periodically, the law regarding mobile homes is changed. This year a new rule was adopted and added to the Utah Rules of Civil Procedure, known as Utah Rule 26.3 of the Utah Rules of Civil Procedure (the “Rule”) which “applies to all actions for eviction or damages arising out of an unlawful detainer under [Utah Code 78B-6-801 et seq.]” *See* Rule 26.3(a) of the Utah Rules of Civil Procedure. This impacts mobile home parks and their evictions in three situations:

1. The mobile home is owned by the Park and is being rented to tenants;
2. The Resident has failed to pay pad rent and was served a 5 day Notice to Pay Rent or Vacate; and/or
3. The Resident (or an invited guest) “threatens or substantially endangers the security, safety, well-being, or health of other persons in the park or threatens or damages property in the Park.

*See* Utah Code §§ 57-16-1, 5, and 6. Basically, if the Park is seeking an expedited eviction, this Rule applies. It does not impact evictions which arise out of a rule violation or that otherwise cannot be brought under the unlawful detainer statute. *See* Utah Code § 57-16-6(3)(a).

The Rule went into effect as of November 1, 2016, and modifies the timing of discovery in unlawful detainer matters and requires additional disclosures. A Park must serve, along with its complaint or as a separate disclosure with its complaint:

1. Any written rental agreement;
2. The eviction notice;
3. An itemized calculation of rent past due, damages, costs and attorney fees at the time of filing;
4. An explanation of the factual basis for the eviction; and
5. Notice to the defendant of the defendant’s obligation to serve the Park with certain information. *See* Rule 26.3(b)(1).

In the past, when an eviction proceeding was started and either party requested an unlawful detainer hearing to determine occupancy, neither party was required to provide any information to the other party prior to the hearing other than the Complaint and the Answer. This has now changed and should stop the Park from being surprised by any document or witness during the hearing.

The Rule requires the Park must, no less than two (2) days before the hearing, serve upon the Defendants: 1) any document which it may use at the hearing and 2) the name, address, and telephone number of any fact witness, and a summary of their testimony. *See* Rule 26.3(b)(2)

The Defendant also must serve the Park no less than two (2) days prior to the hearing, 1) any document not yet disclosed, which the Defendant will use and 2) the name, address and telephone number of any witness and a summary of their expected testimony. *See* Rule 26.3(c).

Finally, it changes the deadlines for disclosures prior to a trial, if the parties request one. *See* Rule 26.3(d)

What this means is the Park will now know beforehand what will be testified to or otherwise used against the Park in the hearing. This always highlights the importance of having a good attorney who specifically understands mobile home law and how new changes in Utah law impact mobile home law.

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