

CAN A HOMEOWNER RENT THEIR HOME?

By Lloyd L. Rochambeau, President

Please keep in mind that I am not an attorney and that this is my personal opinion. I believe you should be able to rent your home under any conditions and that the Park Owner should not be able to stop you, provided that you follow certain restrictions. Having said that, let's take a look at why you might want to rent your home. Renting, leasing, sub-letting or sub-leasing are similar terms found in Park Rules & Regulations and the MRL.

There are several situations in the MRL and probably in your parks Rules & Regulations that do allow sub-leasing by homeowners. Disregarding those, another reason might be that some personal business or work situation requires you to be away from your home for a year or even two. The homeowner may have passed away and now family members are faced with waiting until one of you reaches the minimum age to entitle occupancy of the home. It may also be that the sale of the home is not progressing and to avoid paying the space rent, you would like to rent it for a year or even several more years. According to the Rules and Regulations, and the Park Manager, You will most likely be told that renting it out is prohibited.

If you were to check, you may find that the Park Owner owns one or more houses in the park which he rents to non-owners, in violation of his own rules. This type of situation was presented to the California State Attorney General Kamala D. Harris, by Das Williams, a member of the California State Assembly for an opinion. Her Opinion No.11-703 dated July 23, 2013 is eight pagers in length, so I will not present it here.

Assemblyman Williams question was:

"If the management of a mobilehome park has enacted rules and regulations generally prohibiting mobilehome owners from renting their mobilehomes. is park management bound by the same rules and regulations?"

The Attorney General's conclusion was:

"With the possible exception of rentals to park employees under appropriate circumstances that satisfy certain statutory requirements, if the management of a mobilehome park has enacted rules and regulations generally prohibiting

mobilehome owners from renting their mobilehomes, then park management is also bound by these same rules and regulations."

The Attorney General further states that "the plain language of Civil Code Section 798.23 explicitly requires that park owners "shall" comply with "all" park rules and regulations--which would presumably include and encompass any no-rental/no-subletting rule or regulation---that are imposed on homeowners leasing spaces in the park.

The gist of this opinion is that any park wherein the park owner or management is renting a home to a non-owner, then the other homeowners in the park would have the same right, and any rule restricting such subletting is essentially nullified. To put it more bluntly,...what is good for the goose is good for the gander.

The next question is how does one know if a park owner or management owns any homes in the park and is renting them out in violation of his/her own rules and regulations. One method is to go to the County Recorder's office and computer search the records by the park address. Your own address will show your name as the owner of record. If a home is owned by the park manager, it will show up on the record. There may be other methods for identifying the spaces owned by the Park owner, but occupied by a non-owner renter or tenant .

Should the park owner attempt to impose special rules or requirements to obstruct your rental process, I would suggest going ahead and let them try to evict you or claim you are in violation of their rules, and take them to small claims court to permit the subletting. Not being an attorney, I can only give you my opinion or suggestion.

This needs to be incorporated into the MRL to ensure the equal rights that you should have as a homeowner. I would also take my case to the City and to HCD for support based upon this opinion by the Attorney General.

So the answer to the question is.....Yes, you may well be entitled to rent your mobilehome to a non-owner per this opinion by the Attorney General.