



Top Ten Attorney Questions & Answers

CalOHA provides our members with the Legal Hotline Program, a program that allows a park owner/manager to speak with an RV park specialized attorney for free. This complimentary call is a single subject, 15-minute call to get a legal definition or solution to a specific situation. Check out these top ten most asked questions and answers from our attorney partners.

What are the real differences between an occupant, tenant, and resident?

An **occupant** has been lawfully in the park for 30 days or less. An occupant can be removed by local law enforcement upon 72-hour notice without the need to file an eviction lawsuit upon a payment or rule violation.

A **tenant** has been in the park for more than 30 consecutive days. A tenant can be served a three-day notice to vacate for failure to pay rent. A tenant can also be served a 30-day no cause notice; this means a tenant can be given notice to vacate for no reason provided upon 30-day notice. If the tenant does not timely vacate, then an eviction lawsuit will need to be filed.

A **resident** has been in the park for nine months or more. A resident may only be given a 60-day notice to vacate for one of the seven reasons provided in Civil Code section 799.70, which include failure to pay rent (after service of a 3-day notice and no cure of payment) and failing to comply with the park rules (after service of a 7-day notice and no cure of rule violation).

I have an occupant that I want out of the park because he or she is “bad news”. They have paid their rent and have not violated any park rules.

Can I serve a 72-hour notice on an occupant for no cause?

No, you can only serve a 72-hour notice on occupants for either a failure to pay for occupancy or failure to comply with park rules.

Can an occupant cure a 72-hour notice for failure to pay for occupancy?

Yes, a defaulting occupant may correct his or her payment deficiency within the 72-hour period during normal business hours.

Can an occupant cure a 72-hour notice for failing to comply with park rules?

The law is unclear. While Civil Code section 799.55 expressly states that a payment deficiency may be cured within the 72-hour period during normal business hours the statute is silent as to whether a rule

violation may be cured within the 72-hour period. A conservative approach would be to allow an occupant to cure the rule violation within the 72-hour period.

What rights of tenancy, if any, does a guest have at the park?

None. While a guest, as permitted by the park, may occupy a RV in the park, the registered occupant, tenant, or resident shall be responsible for the actions of his or her guests.

Do you need a written agreement with an occupant, tenant, or resident?

Yes, California law requires a written registration agreement and/or a rental agreement.

What do you do if you do not have a written agreement?

We encourage you to seek cooperation to obtain a written agreement with all occupants, tenants, or residents.

Can you enforce an oral tenancy in eviction court?

Yes, judges do enforce oral tenancies, but the judge may only award the park possession and may not award any back due rent if you do not have a written agreement with the occupant.

What is required in a written registration agreement?

The written registration agreement must include the term of the occupancy, the rental amount, any fees to be charged for services provided by park, a statement of the grounds for which a defaulting occupant's RV may be removed without a judicial hearing after service of a 72-hour notice for failure to pay rent or comply with park rules, and the telephone number of the local traffic law enforcement agency.

Does the park have to provide a copy of the park rules to the occupant, tenant, or resident?

Yes, the park rules must be provided to the occupant, tenant, or resident at the time of registration. It is also a good idea to have the park rules posted somewhere conspicuous in the park.

Still need legal assistance? Activate the CalOHA free Legal Hotline Program, submit a request, and get connected with our attorney partners – they are waiting to hear from you!