LRC Research Training

Housing Rights Clinic
Spring 2024

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Slides available on the LRC’s website:
https://www.sandiego.edu/law/library/research-trainings/clinics.php
Resources

- Secondary Sources
  - Westlaw
  - CEB
  - Lexis

- Government Websites
  - California
  - San Diego County
  - Municipal Codes

- Databases
  - Practical Law and Practical Guidance
Secondary Sources
Westlaw: Practice Guides

• Landlord-Tenant (Rutter Guide)
• California Fair Housing & Public Accommodations (Rutter Guide)
• Housing Discrimination Law & Litigation
• Housing Discrimination Practice Manual
Landlord-Tenant (The Rutter Group, California Practice Guide)

- 2023 Update
- About the Author
- Preliminary Materials
  - Chapter 1. Preliminary Considerations: Accepting the Case; Initial Counseling and Negotiations
  - Chapter 2. Creating the Tenancy
  - Chapter 3. Warranty of Habitability
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  - Chapter 5. Residential Rent Control and Eviction Control
  - Chapter 6. Landlord-Tenant Premises Liability
  - Chapter 7. Terminating the Tenancy and Related Remedies
  - Chapter 8. Unlawful Detainer Litigation: Pretrial Matters
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  - Chapter 10. Bankruptcy Affecting the Tenancy
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  - Chapter 12. “Section 8” Government-Subsidized Housing
  - Chapter 13. Tenancies in Floating Home Marinas
D. Answer to Unlawful Detainer Complaint

CALANDTEN CH 8-D · California Practice Guide—Landlord-Tenant · Unlawful Detainer Litigation: Pretrial Matters · (Approx. 75 pages)

D. Answer to Unlawful Detainer Complaint

1. Filing Requirements

a. [8:263] General five-day deadline
   (1) [8:263.1] Five-day deadline for unnamed occupants added as defendants
   (2) [8:264] Extension of time to answer if permissible responsive motion first filed
   (3) [8:265] “Good cause” extension by leave of court
      a. [8:267] Ex parte procedure
      1) [8:267.1] Special ex parte notice rule for unlawful detainers
         a) [8:267.2] Accompanying declaration
         b) [8:268] Length of extension
         c) [8:269] “Good cause”
   b. [8:271] Copy of answer to plaintiff
   c. [8:272] In forma pauperis waiver of fees and costs for indigent parties
      (1) [8:282] Compare—extension of time to answer as option for person not eligible to proceed in forma pauperis

2. Content Requirements, Generally

a. [8:283] Verification
   (1) [8:284] “Economic Litigation” rules exception inapplicable
   (2) [8:285] Unverified answer subject to motion to strike

Practitioner RE JUDICIAL COUNCIL FORM ANSWERS: As with the complaint (¶ 8:23), the Judicial Council has approved for optional use a form Answer for unlawful detainer proceedings (Judicial Council form UD-105). [CCP § 425.12]

- FORM: Judicial Council Form Answer—Unlawful Detainer (UD-105), available on the California Courts website (www.courts.ca.gov).

The form is particularly easy to use in routine residential unlawful detainers (particularly when the landlord filed the case on the Judicial Council form UD complaint (UD-100), ¶ 8:23). But ease of use may also lend itself to careless pleading. Keep in mind that form pleadings do not excuse compliance with normal pleading rules (see ¶ 8:23 re Judicial Council form complaint). When you answer by the UD-105 form, be sure your denials are properly made (by checking appropriate box at item “2”) and that your affirmative defenses are properly alleged (by checking the appropriate box or boxes at item “3” and supplying the necessary factual allegations). Where necessary, attachment pages may have to be added, or modifications interlined, to account for items not addressed by the form.

ALERT—form UD-105: On 9/19/23, as this Practice Guide was going to press, the Judicial Council approved revisions to form UD-105, which will be effective 1/24. Please check the California Courts website for the most recent version of the form. The specific items in UD-105 referenced in this chapter may not reflect the revised version of this form; further revisions to our text will be covered in the next Update.

1. Filing Requirements

a. [8:263] General five-day deadline: Ordinarily, the tenant’s response is due within five days after service of the unlawful detainer summons and complaint. The five-day period excludes Saturdays, Sundays and other court holidays. [CCP § 1167(a)]

Thus, an answer to the unlawful detainer complaint must be filed within this five-day period unless, before expiration of the five days, the tenant has filed some other authorized responsive pleading that temporarily excuses the duty to answer (e.g., an opposition to a motion to strike or a demurrer at ¶ 8:145 ff.), and, on the papers, accompanied by a verified
Westlaw: Other Sources

- **CalJur** (also on **Lexis**)
  - Volumes on **Landlord and Tenant** and **Mobile Homes**

- **AmJur** (also on **Lexis**)
  - Volumes on **Landlord and Tenant**, **Mobile Homes and Trailer Parks**, and **Housing Laws and Urban Redevelopment**

- **ALR** (also on **Lexis**)

Mobile Homes

Summary

1. Regulation of Mobile Homes and Manufactured Homes [Chapter View]
   - Research References
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     - § 2. Definitions related to mobile and manufactured homes
     - § 3. Enforcement of mobile home regulations
     - § 4. Construction of mobile and manufactured homes
     - § 5. Sales of mobile and manufactured homes
     - § 6. Mobile and manufactured home warranties
     - § 7. Financing and foreclosure of mobile and manufactured homes
     - § 8. Registration and licensing of mobile and manufactured homes
     - § 9. Taxation of mobile and manufactured homes
     - § 10. Use of mobile and manufactured homes on public highways

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Landlord and Tenant

Summary

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II. Leases and Agreements
III. Creation, Characteristics, and Termination of Tenancies
IV. Rights, Duties, and Liabilities of Parties
V. Rent Control [Chapter View]

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American Jurisprudence Legal Forms 2d
American Jurisprudence Pleading & Practice Forms Annotated

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§ 879. Application of rent control laws
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§ 882. Reasonable rate of return on rents subject to control
§ 883. Rent adjustments
§ 884. Actions for rent overcharges
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- **CEB OnLaw Pro** (registration code)
  - California Landlord-Tenant Practice
  - California Eviction Defense Manual
    (also on Lexis)
  - Handling Unlawful Detainers

- **Lexis**
  - California Landlord-Tenant Litigation
    (Matthew Bender)
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III. ACCOMMODATING SPECIAL NEEDS OF PARTIES TO ACTION

§10.8 A. Court Fee Waivers; In Forma Pauperis Procedures

The procedures for obtaining a waiver of court fees for indigent defendants are in Govt C §§668630–68641. The Judicial Council adopted supplemental rules that govern fee waivers in Cal Rules of Ct 3.50–3.58 (trial courts), 8.26, 8.818 (appellate courts). Legislative findings and declarations supporting the standards for waiver of court costs and fees are stated in Govt C §668630. Under Govt C §668632, the class of eligible parties for waiver of court fees and costs includes the following:

- Parties receiving benefits under
  - Supplemental Security Income (SSI);
  - State Supplemental Payments (SSP);
  - California Work Opportunity and Responsibility to Kids (CalWORKs) program;
  - Tribal Temporary Assistance for Needy Families (Tribal TANF) grant program;
  - Federal supplemental nutrition assistance or California food assistance program;
  - County relief, general relief, or general assistance;
  - Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants
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California Eviction Defense Manual

19 Special Considerations Governing Evictions in Commercial Tenancies

Myron Moskovitz
Clifford R. Horner

20 Effect of Sale of Property on Unlawful Detainer Proceedings

21 Effect of Filing Bankruptcy on Proceedings in Unlawful Detainer

22 Summary Judgment

23 Discovery

24 Rights of Occupants Not Named in Lease

25 Trial

26 Judgment

27 Posttrial Motions

28 Enforcement of Judgment—Removing Tenant and Tenant’s Belongings

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Handling Unlawful Detainers

Wendy St. John and Tracey Merrell

NOVEMBER 2022

Scope of Guide

This Action Guide is a succinct procedural roadmap for unlawful detainer actions, including evictions following foreclosure sales. It explains whether an unlawful detainer action is appropriate, details the process for compliance with various requirements for termination notices, and outlines how to proceed from filing a complaint through levying on a writ of possession. It also outlines the tenant’s available strategies and defenses at each stage, including the Prejudgment Claim of Right to Possession. Finally, it discusses tactics available to the landlord if the tenant files a bankruptcy.

Abbreviations

Civ Proc Before Trial | California Civil Procedure Before Trial (4th ed Cal CEB)
Eviction Defense Man | California Eviction Defense Manual (2d ed Cal CEB)
Judicial Council Forms Man | California Judicial Council Forms Manual (Cal CEB)
§6.20 III. MOBILEHOME PARKS

The Mobilehome Parks Act (Health & S C §918200–18700) provides that any person may file an application with local authorities for a conditional use permit for a manufactured home, a mobilehome, or a mobilehome park. A public hearing is required. Health & S C §18300.1. An installation permit is required whenever a mobilehome is used for human habitation. Health & S C §18613. Moreover, a mobilehome park must, subject to a use permit, be allowed on any land zoned residential in a local government’s general plan. Govt C §65852.7.

Cities and counties may not apply development standards that would preclude mobilehomes as permanent residences. Similarly, local agencies may not discriminate against mobilehomes that meet federal standards by imposing different development standards than those applicable to conventional single-family residences. Govt C §665852.3–65852.4.

Before a mobilehome park may be converted to another use, the owner or local agency proposing the change must prepare a report on the impact of the change on displaced residents. Govt C §66427.4(a). The report must address the availability of adequate replacement housing in mobilehome parks and relocation costs. Govt C §66427.4(a). The impact report must be filed with the local legislative body and made available to the residents of the mobilehome park. The local agency may impose conditions on the conversion to mitigate any adverse impact on the ability of displaced residents to locate adequate space in the same or another park. Govt C §665863.7. Mobilehome parks and “manufactured homes” are also subject to regulation under California’s Mobilehome Residency Law (CC §5798–799.11) and the Subdivision Map Act (Govt C §666410–66499.37), as well as to the federal requirements found at 42 USC 50401–5426. See also 7 Conditions of Land Use and Development Approval: Variances; Conditional Use Permits.
Government Websites
State of California

- California Housing Portal
- CA Business, Consumer Services And Housing Agency (BCSH)
  - CA Dept. of Housing & Community Development
  - CA Housing Finance Agency
  - CA Civil Rights Department
In accordance with Senate Bill 115, applications are no longer open for the CA COVID-19 Rent Relief Program. State law extends eviction protections until June 30, 2022 for qualifying applications received by March 31. But eviction protections do not extend for non-payment of rent after March 31. That means tenants must pay rent and utility bills beginning April 1.

Eviction Protections

- Tenant Eviction Protection Resources
  - Formularios de protección contra el desalojo para inquilinos
  - Recursos de protección contra el desalojo para inquilinos
  - Information sobre la protección para los propietarios

- Tenant Eviction Protection Forms
  - Formularios de protección contra el desalojo para inquilinos
  - Formularios para la protección de los propietarios

- Landlord Protection Information
  - Información sobre la protección para los propietarios
  - Formularios de protección para los propietarios
California Tenants
A Guide To Residential Tenants’ and Landlords’ Rights and Responsibilities

January 2023

Click here to download a printable copy of the guide ⇩ En Español ⇩

Disclaimer

California Tenants – A Guide to Residential Tenants’ and Landlords’ Rights and Responsibilities was written initially by the Department of Consumer Affairs’ Legal Affairs Division and substantially revised by the Department of Real Estate’s Legal Division in 2020. The Legal Division updated the booklet in 2021 and 2022 to reflect recent legislative activity during those years. The Department of Real Estate’s Communications and Publications Division is responsible for publishing the booklet. The opinions expressed in this booklet are those of the authors and should not be construed as representing the opinions or policy of any official or agency of the State of California. To ensure the document is useful for the vast majority of readers, the authors have endeavored to balance the competing objectives of providing accurate, current, and complete information of the law without overwhelming readers with nuanced detail and legalese. As a result, not every subject is addressed with the same level of detail. This booklet is intended for informational purposes only and is not legal advice. To the extent that readers have questions or need further guidance, readers should consult an attorney, legal aid society, landlord association, or tenant advocacy group for advice in particular cases, and should also read the relevant statutes and court decisions when relying on cited material.

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INTRODUCTION

HOW TO USE THIS BOOKLET

WHO IS A LANDLORD AND WHO IS A TENANT?
Homekey Tops 15,000 Homes

Today's nearly $95.6 million awards will create 396 affordable homes.

Learn More

Homekey
Funding to acquire or rehabilitate buildings and create housing for people experiencing or at risk of homelessness.

Statewide Housing Plan
Interactive report that lays out a vision to ensure every Californian has a safe, stable, affordable home.

Accessory Dwelling Units
An innovative and effective option for adding affordable housing in California.

Housing Open Data Tools
Learn about and track progress on homelessness and the planning and construction of safe, affordable homes.

Mobilehome Owner & Park Services
Visit our Codes & Standards Online Services to access all online services, such as mobilehome and manufactured home registration and titling transfers, permits, complaints, and more.

Pay Fees/Submit a Payment
Renew My Registration
Buy, Sell, or Transfer Instructions
Mobilehome Assistance Center
Mobilehome Residency Law Protection Program
Mobilehome Residency Law Protection Program

Helping to resolve certain disputes between mobilehome/manufactured homeowners in mobilehome parks and park owners/management.

Sometimes, in mobilehome parks, disputes can arise between mobilehome/manufactured homeowners and park management. To help resolve some of these disputes, California created the Mobilehome Residency Law Protection Program (MRLPP) through the Mobilehome Residency Law Protection Act of 2018, Assembly Bill 3066 (Chapter 774, Statutes of 2018).

The MRLPP was originally scheduled to end on January 1, 2024. Assembly Bill 318 (Chapter 736, Statutes of 2023) extended the program ending date to January 1, 2027.

[MRLPP Information for Mobilehome / Manufactured Homeowners in Mobilehome Parks]

[MRLPP Information for Park Owners / Operators]

[MRLPP Laws and Regulations]

[Helpful Information, Forms, and Resources]

[Mobilehome Assistance Center]

[Contact the MRLPP]

[Related Links]

[Resources]
Housing Discrimination

The California Civil Rights Department (CRD) is responsible for enforcing state fair housing laws that make it illegal to discriminate against or harass someone because of a protected characteristic, such as their gender, race, national origin, sexual orientation, gender identity, or religion. (For a complete list of protected characteristics, see the section below titled “Protected Characteristics”). The law also requires reasonable accommodations for disabilities and prohibits retaliation against someone for exercising their rights. The law applies to landlords, tenant screening companies, property management companies, real estate agents, home sellers, builders, mortgage lenders, housing authorities, and others. The law applies to all aspects of housing and housing-related services, such as renting, leasing, sales, new construction, mortgage lending, insurance, municipal services, shelters, advertising, and restrictive covenants. Additionally, it is unlawful for cities, counties, or any local government agency to make zoning, land-use decisions, or policies that discriminate based on a protected characteristic.

WHAT DISCRIMINATION LOOKS LIKE

California’s Fair Employment and Housing Act (also known as FEHA) applies to most providers of housing and services related to housing such as landlords, tenant screening companies, real estate agents, home sellers, builders, mortgage lenders, and housing authorities. This law prohibits people or entities that provide housing from discriminating against or harassing tenants, homeowners, residents, their guests, housing or mortgage applicants, home buyers, and others. In addition, another law, the Unruh Civil Rights Act, applies to housing providers that qualify as a business establishment from discriminating against customers on the basis of protected characteristics.

Examples of actions that could be discriminatory if based on a person’s protected characteristic:

- Refusal to sell, rent, or lease rooms, apartments, mobile homes, condos, or houses
- Refusal to negotiate for the sale, rental, or lease of housing
- Informing someone that an apartment is not available for inspection, sale, or rental when it is in fact available
- Denial of a home loan or homeowner’s insurance
- Cancellation or termination of a sale or rental agreement
- Refusal to permit, at a disabled tenant’s expense, reasonable modifications – such as adding a brake and railings – to the use and enjoyment of the tenant’s residence
Complaint Process

When someone files a discrimination complaint, CRD evaluates the facts and decides whether to accept the case for investigation. If it accepts the case, CRD independently investigates the facts and the legal issues. This involves reviewing respondents’ responses to complaints and other information and evidence that complainants and respondents submit, among other things. CRD attempts to resolve the dispute in appropriate cases. CRD may also decide to take legal action.

FILE A COMPLAINT

The First Steps:

If you feel you were the victim of discrimination, CRD is available to investigate and help settle your complaint. To begin this process, gather the information listed below and file an intake form in one of three ways:

- Online by creating an account and using our interactive Cal Civil Rights System, CCRS
- By mail using a printable intake form
- By calling using information on our contact us page

If you decide to use the CRD investigation process, you will need to gather the following:

- The specific facts and any records about the incident(s), including the name and contact information of the person or entity you believe harmed you (if known);
- Copies of any documents or other evidence related to your complaint; and
- The names and contact information of any witnesses (if known).

In employment cases, you must do this within three years of the date you were harmed. In most other cases, you must do this within one year of the date you were harmed. In employment cases only, you must obtain from CRD a Right-to-Sue notice before filing your own lawsuit in court. If you would prefer not to use the CRD investigation process and instead file your own lawsuit, you must do so within the applicable statute of limitations.
San Diego County

- **Housing & Community Development Services**
  - Rental Assistance Application (Section 8)
  - Rental Assistance Recipients Tools & Information
  - Rental Assistance and Affordable Housing Directory
New, Enhanced Landlord Incentive Program Available Now!

Click here for more Information
RENTAL ASSISTANCE

Apply For Rental Assistance
Learn more
Program descriptions

Update Your Application
Learn more

Rental Assistance Options
At Housing and Community Development Services, we have several programs to help low-income people pay their rent so they may live in a safe, decent and affordable home.
REPORT CHANGE
While you are receiving Section 8 Housing Choice Voucher rental assistance, you must notify us of any changes in your family such as a birth or other addition to your home, change of income or change of address.

DO YOU ALREADY HAVE RENTAL ASSISTANCE?
If you already receive rental assistance, we want to be sure you know how the program works and if there are any changes. We also have information that can help you stay safe and save money.

NEED HELP?
Contact information to assist you.

PORT IN / PORT OUT

Rental Assistance and Affordable Housing Directory

The County of San Diego Rental Assistance and Affordable Housing Directory

The Rental Assistance and Affordable Housing Directory was prepared by the County of San Diego's Housing and Community Development Services to provide residents and the community agencies that serve them with information on housing resources available to low-income households. Among the pages of the Directory you will find:

- A countywide list of affordable housing complexes.
- Information on the rental assistance programs offered by the Housing Authority of the County of San Diego.
- Contact information of cities that provide housing programs.

Directory listings are subject to change. If there are changes to the Directory, please call us at (858) 694-4801 or email HCD.S.HHS@sdcounty.ca.gov.

Rental Assistance and Affordable Housing Directory
Utility Assistance Programs

Assistance Programs | San Diego Gas & Electric (sdge.com)
https://www.sdge.com/residential/pay-bill/get-payment-bill-assistance/assistance-programs

For a list of emergency shelters that offer temporary overnight sleeping accommodations, please download the Emergency Shelter Contacts.
Local/Municipal Codes
What are local/municipal codes?

- Created by local governing bodies, e.g. County Board of Supervisors, City Council
- Various names: codes, ordinances, bylaws, measures
- Have the force and effect of law; can’t conflict with state law
Sources of Municipal Codes

• No comprehensive source, limited content in Lexis and Westlaw
• Municipal code publishers:
  o American Legal Publishing (searchable)
  o Code Publishing Co.
  o General Code
  o Municode (searchable with Google Advanced search)
  o Individual municipalities (e.g. City of San Diego)
Welcome to American Legal Publishing’s Code Library!

To view a code, choose a state from the list below, then click on the name of the appropriate municipality.

View Google Map of Online Clients

Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Florida
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Maryland
Massachusetts
Michigan
Minnesota
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
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Pennsylvania
Rhode Island
South Carolina
South Dakota
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Wyoming
CHAPTER 46 - MOBILE HOME RENT STABILIZATION

"Mobile home rental agreement" means a lease or other oral or written agreement between the mobile home landlord and mobile home tenant establishing the terms ...

Chapter 2.46 - MOBILE HOME RENT ORDINANCE | Rocklin, CA

A. The purpose of this chapter is to protect current residents of mobile home parks from excessive, unreasonable or exploitative rent increases by continuing rent ...

DIVISION 7. - MOBILE HOME PARK PERMIT - Municode Library

Mobile home park (RMH) permits provide development and use review for projects within the mobile home park district to ensure new uses, structures or mobile ...

CHAPTER 9-893 | Development Title | San Joaquin County, CA

The mobile unit or mobile home shall be constructed to meet the minimum standards of the National Manufactured Housing Construction and Safety Act of 1974.
Municipal Code

What is the Municipal Code?

Find a Municipal Code:

Search

Municipal Code by Chapter

Chapter 01, General Provisions
Chapter 02, Government
Chapter 03, Business Regulations, Business Taxes, Permits and Licenses
Chapter 04, Health and Sanitation
Chapter 05, Public Safety, Morals and Welfare
Chapter 06, Public Works and Property, Public Improvement and Assessment Proceedings
Chapter 07, Public Utilities and Transportation
Chapter 08, Traffic and Vehicles
Chapter 09, Building, Housing and Sign Regulations

Official City Documents

City Charter
Municipal Code
Council Policies
City Clerk Administrative Guidelines
Legal Opinions
Memoranda of Law
Reports to City Council
Resolutions and Ordinances

Need help?
Call City Clerk at 619-533-4000
Databases
Practical Law & Practical Guidance

- Practical Law available through Westlaw; Practical Guidance available through Lexis
- Legal know-how for transactional and litigation matters
- Practice area overviews
- Model documents with drafting and practice tips
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2. Road Map to the Consolidated Appropriations Act, 2021
   Practice note: overview - Law stated as of 05-Dec-2023 - National/Federal

Practice notes

3. Chicago Ordinances for Residential Leases (IL)
   Practice notes - Maintained - Illinois

4. Chicago Residential Landlord and Tenant Ordinance (IL)
   Practice notes - Maintained - Illinois

5. Chicago's Cooling Ordinance (Residential and Commercial Real Estate) (IL)
   Practice notes - Maintained - Illinois

6. Commercial and Residential Eviction Procedures (TX)
   Practice notes - Maintained - Texas

7. Commercial and Residential Evictions: Filing a Complaint Through Possession (MN)
   Practice notes - Law stated as of 18-Jan-2024 - Minnesota

8. Commercial and Residential Evictions: Pre-Filing Procedures from Grounds for Possession Through Serving Required Notices (MN)
   Practice notes - Law stated as of 11-Jan-2024 - Minnesota

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Residential Transactions

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2. Climate Change Legislation Tracker (Real Estate) (CA)
   Jurisdiction: California

3. Discrimination in Residential Mortgage Lending State Law Survey
   Jurisdiction: Alabama, Alaska, Arizona...

4. Eviction Resource Kit (CA)
   Jurisdiction: California

5. Eviction, Unlawful Detainer, and Tenant Protections State Law Survey
   Jurisdiction: Alabama, Alaska, Arizona...

6. Fannie Mae Deeds of Trust (CA)
   Jurisdiction: California

7. Fannie Mae Notes (CA)
   Jurisdiction: California

8. High-Cost Home Loans State Law Survey
Generative (Gen) AI
How do Gen AI tools work?

- Gen AI tools use large language models (LLMs) to simulate conversations.
- LLMs are trained on the internet but are not a search engine by themselves.
- LLMs predict what each word of a response should be based on training.
  - Hallucinations
  - Training limited in time
    - Or quality of connected search engine/database
  - Inherent bias from training sources
- LRC Guide to ChatGPT & Other Generative AI Tools for USD Law Students
What about Gen AI tools designed for legal research?

- Legal databases have been developing gen AI tools that combine LLMs with retrieval augmented generation (RAG).
  - RAG is a process by which the gen AI tool couples an LLM with a search engine.
  - The user enters a prompt which the tool turns into a search query. The LLM is then supposed to include the results of the query in its response.
  - This allows legal databases to harness their collections of primary and/or secondary sources to increase accuracy and access up to date information.
  - RAG is not a foolproof way to eliminate hallucinations.
AI Assistant

Which legal task can AI accelerate for you today?

- Ask a legal question
- Generate a draft
- Summarize a case
§ 798.55. Legislative findings; Notice of termination by management; Sale of mobile home by owner authorized. This California statute requires 60 days written notice for mobile home park management to terminate or not renew a tenancy. Notice must be given to the homeowner and other parties. The homeowner can elect to sell or remove the mobile home within 60 days.

§ 798.58. Making site available for purchaser of mobilehome. This California statute states tenancy in a mobile home park may only be terminated for specific reasons, not to make the site available for someone purchasing the resident's mobile home.

§ 798.56a. Notice by owner or junior lienholder following notice of termination of tenancy; Retention of mobilehome in park pending sale to third party; Filing of notice of disposal of mobilehome; Information required for completion of disposal process. This statute section lays out notice requirements and procedures for termination of tenancy in a mobile home park, including notice by the owner or lienholder, retention of the mobile home pending sale, and required steps to complete the disposal process.

§ 8020. Displacement and Relocation. This regulation requires compliance with the Mobilehome Displacement Act Section 790 of the Civil Code and other state laws by residents.
What laws regulate the termination of a tenancy in a mobile home park?

§ 4500. Application of Chapter: This regulation establishes the Mobilehome Residency Law Protection Program, which provides an option for resolving alleged violations of the Mobilehome Residency Law. The Mobilehome Residency Law governs termination of tenancies in mobile home parks.

Keh v. Walters: This case examines the California statutes regulating termination of mobile home park tenancies. It finds the park owner’s termination of tenants in this case, through a program to convert the park to a different use by vacating one lot at a time, violates the statute’s purpose and requirements. The termination did not qualify as a "change of use" under the statute, and the owner failed to properly file the required tenant impact report.

Palmer v. Agee: This case distinguishes between the general California unlawful detainer statute, which requires 3 days' notice to terminate a tenancy, and the specific mobile home eviction statute, which requires 60 days' notice. It holds the mobile home statute controls in this context and requires longer notice before terminating the tenancy.

Carson Mobilehome Park Owners' Ass'n v. City of Carson: The California Supreme Court held that a city ordinance regulating rent increases and evictions in mobile home parks was constitutional. The ordinance was a rational measure to counteract the effects of limited mobile home spaces. The ordinance's rent adjustment mechanism and standards governing the rental review board were adequate.

Content Supporting AI-Generated Response:

798.55. Legislative findings: Notice of termination by management: Sale of mobile
What laws regulate the termination of a tenancy in a mobile home park?

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§ 798.55. Legislative findings; Notice of termination by management; Sale of mobile home by owner authorized | Cal Civ Code § 798.55 | Codes | California

§ 798.58. Making site available for purchaser of mobilehome | Cal Civ Code § 798.58 | Codes | California

§ 798.56a. Notice by owner or junior lienholder following notice of termination of tenancy; Retention of mobilehome in park pending sale to third party; Filing of notice of disposal of mobilehome; Information required for completion of disposal process | Cal Civ Code § 798.56a | Codes | California

§ 8020. Displacement and Relocation | 25 CCR 8020 | Administrative Codes | California

§ 4900. Application of Chapter | 25 CCR 4900 | Administrative Codes | California

- Keh v. Walters | 6th District Court of Appeal | 55 Cal. App. 4th 1522 | Jun 24, 1997 | California

- Palmer v. Agee | 4th District Court of Appeal | 87 Cal. App. 3d 377 | Dec 15, 1978 | California

- Carson Mobilehome Park Owners' Ass'n v. City of Carson | Supreme Court | 35 Cal. 3d 184 | Dec 19, 1983 | California

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**Keh v. Walters**
6th District Court of Appeal | 55 Cal. App. 4th 1522 | Jun 24, 1997 | California

Article 6 of the law is entitled “Termination of Tenancy” and contains the following statement of purpose: “The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the costs of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.” (Civ. Code, § 798.55, subd. (a).)

**Palmer v. Agee**
4th District Court of Appeal | 87 Cal. App. 3d 377 | Dec 15, 1978 | California

“(a) No tenancy or other estate at will or lease, however created on or after the effective date of this section, in a mobilehome park may be terminated except upon the landlord’s giving notice in writing to the tenant, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to remove from the premises within a period of not less than 60 days, to be specified in the notice....

**Carson Mobilehome Park Owners' Ass'n v. City of Carson**
Supreme Court | 35 Cal. 3d 184 | Dec 19, 1983 | California

The court held that the trial court erred when it determined that the ordinance adopted by respondent city that regulated rent increases and evictions in mobile home parks lacked sufficient standards to govern the Mobilehome Park Rental Review Board’s (board) administration and a constitutionally adequate rent adjustment mechanism. The court held that the imposition of mobile home rent controls was a rational curative measure designed to counteract the ill effects of a chapter of mobile home operators which had resulted in laws...
Act as a lawyer representing a group of mobile home park residents. Write a letter to the owner of the mobile home park that describes the Mobilehome Residency Law.

The Mobilehome Residency Law (MRL) in California is a set of laws that govern the rights and responsibilities of mobile home park residents and park management. The MRL is known and cited as the "Mobilehome Residency Law" under Cal Civ Code § 798. Citation of chapter.

The MRL provides that the ownership or management of a park may enter a mobilehome without the prior written consent of the resident only in case of an emergency or when the resident has abandoned the mobilehome. Otherwise, the ownership or management has no right of entry to a mobilehome without the prior written consent of the resident § 155.44 Landlord’s Right of Access.

Under the MRL, the management of a mobile home park is subject to, and must comply with, all park rules and regulations to the same extent as residents and their guests. However, this does not apply to any rule or regulation that governs the age of any resident or guest, or to acts of management that are undertaken to fulfill management’s maintenance, management, and business operation responsibilities § 798.23. Application of park rules and regulations to management.
What laws regulate the termination of a tenancy in a mobile home park?

Content Supporting AI-Generated Response:

- § 798. Citation of chapter | Cal Civ Code § 798 | Codes | California
- § 155.44, Landlord's Right of Access | 6 California Real Estate Law & Practice § 155.44 | Practical Guidance | Treatises | California
- § 798.23, Application of park rules and regulations to management | Cal Civ Code § 798.23 | Codes | California
- § 799.9, Sharing of homeowner's mobilehome with adult caregiver; Sharing of mobilehome in older persons' complex with relative requiring care or supervision | Cal Civ Code § 799.9 | Codes | California
- § 798.73.5, Mobilehome that will remain in park | Cal Civ Code § 798.73.5 | Codes | California
- § 798.74.5, "Information for Prospective Homeowners" document to be given upon request for residency application | Cal Civ Code § 798.74.5 | Codes | California
- § 369.74 Delivery of Required Notices | 32 California Forms of Pleading and Practice--Annotated § 369.74 | Practical Guidance | Treatises | California
- Residential Lease Agreements (CA) | Practical Guidance | Practice Notes | California

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Ask the same question with a new jurisdiction
Draft a memo based upon this output

Ask a follow up question

Jurisdiction: California

Prompt Tips

Start a new conversation
Cal Civ Code § 798.23

Deering's California Codes are current through the 2023 Extra Session Ch 1, 2023 Regular Session Ch. 890.

Heading

Deering's California Codes Annotated
CIVIL CODE (§§ 1 – 7021)
Division 2 Property (Pts. 1 – 4)
Part 2 Real or Immovable Property (Titles 1 – 8)
Title 2 Estates in Real Property (Chs. 1 – 5)
Chapter 2.5 Mobilehome Residency Law (Arts. 1 – 9)
Article 2 Rental Agreement (§§ 798.15 – 798.23.5)

§ 798.23. Application of park rules and regulations to management

(a) Management shall be subject to, and comply with, all park rules and regulations to the same extent as residents and their guests.
(b) Subdivision (a) of this section does not apply to either of the following:
(1) Any rule or regulation that governs the age of any resident or guest.
Cal Civ Code § 798.23

Deering’s California Codes are current through the 2023 Extra Session Ch 1, 2023 Regular Session Ch. 890.

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Deering’s California Codes Annotated
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Article 2 Rental Agreement (§§ 798.15 – 798.23.5)

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