

Here are our proposed edits to SB 2385:

Remove Criminal Penalties for Operating Without a License

Amend Section 23-10-12 as follows:

3. Any person who maintains or operates a mobile home park, recreational vehicle park, or campground without first obtaining a license, or who operates the same during suspension of the license, is guilty of an infraction. This shall not be classified as a criminal offense.

4. Before revoking or suspending a license, the department must provide written notice of the alleged violation, a minimum 30-day period to cure the violation, and a clear process for appeal. If the operator demonstrates a good-faith effort to comply, additional time may be granted before further enforcement action is taken.

Clarify Right of First Refusal (ROFR) for Residents

Amend Section 47-10-28(2) as follows:

Before accepting an offer to sell a mobile home park, the owner shall provide residents of the park the right of first refusal to purchase the property. This right applies only when residents submit a qualified, bona fide offer that the owner has accepted in writing. Upon acceptance, the residents shall then have ninety days to obtain financing and complete the transaction. If written offer is not accepted by seller, the owner may proceed with any other sale without delay.

Modify Licensing Restrictions Tied to Private Development

Amend Section 23-10-03(4) as follows:

The department may not issue a license under this section if the proposed mobile home park, recreational vehicle park, or campground would prevent, interfere, or restrict proposed private development that is actively being pursued.

A license may not be denied under this provision unless:

a. The property owner has received fair market compensation consistent with eminent domain standards; and

b. A relocation assistance plan is in place to mitigate the displacement of residents, including funding for relocation to a comparable housing arrangement.

Ensure Fairness in Enforcement Actions

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