



## Meeting the Requirements to Serve a 72-Hour Notice

An “occupant” is defined in Civil Code Section 799.28 as *“the owner or operator of a recreational vehicle who has occupied a lot in a park for 30 days or less.”*

You may remove a defaulting occupant from your park with a 72-hour notice. For this category, you have some unique rights that few others who rent property have. However, you have definite responsibilities and ***steps you must carry out if you are to exercise those rights.*** We might add here that you would not have this right without CampCalNOW. It was *your* association that introduced each process in the Legislature and then worked and secured the passage for each of these codes.

A “defaulting occupant” is defined in Section 799.22 as *“an occupant who fails to pay for his or her occupancy in a park or who fails to comply with reasonable written rules and regulations of the park given to the occupant upon registration.”*

To attempt to carry out an eviction under the benefits of these sections of the Civil Code, without meeting your responsibility to do certain things that are spelled out, could result in legal action against you for an illegal eviction. Remember that there are two sides to every law. In every case, citizens on both sides of the law have responsibilities.

### **In order to use this law to evict an “occupant” you must do the following:**

- A. Have a sign posted at the entrance to the park which says that the occupant may be evicted and gives the telephone number of the local traffic enforcement agency.
- B. Provide a written registration agreement.
- C. Give the occupant a copy of the park rules.

### **A. Have a sign posted at the entrance to the park which says that the occupant may be evicted and gives the telephone number of the local traffic enforcement agency.**

Section 799.46 reads *“At the entry to a recreational vehicle park, or within the separate designated section for recreational vehicles within a mobilehome park, there shall be displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Section 799.22 and containing the telephone number of the local traffic law enforcement agency. Nothing in this section shall prevent a manager or owner of a recreational vehicle park from additionally displaying the sign in other locations within the park.”*

Without this sign at the entrance of the park, you cannot legally use the 72-hour eviction process. These signs are available from CampCalNOW. We suggest you post one at the registration desk in addition to the one required at the entrance. The key is “plain view.” You only need to fill in

the telephone number of your traffic enforcement agency.

**B. Provide a written registration agreement.**

Section 799.43 says, *“The registration agreement between a park and an occupant thereof shall be in writing and shall contain, in addition to the provisions otherwise required by law to be included, the term of the occupancy and the rent therefor, the fees, if any, to be charged for services which will be provided by the park, and a statement of the grounds for which a defaulting occupant’s recreational vehicle may be removed as specified in Section 799.22 without a judicial hearing after the service of a 72-hour notice pursuant to this chapter and the telephone number of the local traffic law enforcement agency.”*

There are parks that are not using a registration slip at all or that are not giving the customer a copy. There are others using non-complying slips without the proper wording. These parks simply will not be able to use this 72-hour eviction process. (WARNING: Efforts to do so may result in legal action against them.) Registration forms that meet these requirements are economically available in several styles from CampCalNOW Industry Members.

**C. Give the occupant a copy of the park rules.**

Section 799.44 says, *“At the time of registration, an occupant shall be given a copy of the rules and regulations of the park.”*

Sorry, posting the rules in the office or other areas of the park will not do. You must give them a copy. It is also a good idea to have them sign your registration form that acknowledges the fact that they have received your rules.

Written rules are also an important management tool. No RV park should open its door in the morning without them. They should be drafted with careful thought and presented in a positive manner. Be sure that your rules are not only written but also “reasonable” as required in Section 799.22.

**EXAMPLES:**

1. Please place your trash in the dumpsters provided rather than leaving it at your space or in the restroom waste cans.
2. For all of our guests’ safety, please keep your pets on a leash or inside of your vehicle. (California Health and Safety Code Section 18601 and Special Occupancy Parks Act (SOPA) of the California Code of Regulations, Article 2, Section 2114, prohibit any domestic animal from being loose in the park.)

These are only samples. Your rules need to cover a wide range of subjects, but should not be lengthy or negative in nature.

The next pages provide sample registration forms with proper eviction notice wording and examples of park rules and regulations. If these two items are combined in some fashion, a customer obviously would always receive a copy of your rules.

**DO NOT ATTEMPT A 72-HOUR EVICTION UNLESS YOU ARE IN COMPLIANCE WITH EVERYTHING LISTED ON THE PREVIOUS PAGES.**

**Be sure to also include the following items on your registration form:**

- Name & Address of owner of RV
- Type, make & model of RV
- License number
- Proof of current registration
- Length of stay (number of days)
- Rent or fees per day
- Total charge

\* The following is a sample of the wording that must be on your registration form:

<p>Notice to Guests</p> <p>A Recreational Vehicle may be removed from the premises without judicial hearing, if the occupant has been in the Park for 30 Days or Less for any of the following reasons:</p> <ol style="list-style-type: none"><li>1. Failed to pay for his/her occupancy in the park, or</li><li>2. Failed to comply with the park's rules and regulations Pursuant to CA Civil Code Sections 799.20 et. Seq.</li><li>3. Failure to Vacate on specified date Pursuant to CA Civil Code Section 1866</li></ol> <p>I have received a copy of the park's rules &amp; regulations. _____</p>
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Please call CalOHA for more information on forms used for:

- Persons failing to depart a space when there is a pre-existing reservation
- **Tenants:** those persons who have resided in your park more than 30 days, but less than 9 months
- **Residents:** those persons who have resided in your park for 9 months or more

\* For information on where you can purchase registrations forms, please call the CalOHA office.

530.885.1624