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# Legal Issues For Mobile Home Parks Regarding Disaster Preparedness

In the ever expanding world of mobile home park liability, it is foreseeable that our parks will be sued for failure to properly plan for the next natural disaster. There are a number of cases holding mobile home parks and other housing providers liable for injuries caused by tenants' vicious

dogs and violent tenants. These cases can be analogized to situations involving natural disasters. In California and possibly in other states, there are also specific statutory requirements relating to natural disasters which apply to mobile home parks. These cases and statutes, as well as good old-fashioned common sense, dictate that mobile home park owners and managers adopt and implement emergency preparedness plans.

In *Donchin v. Guerrero* (1995) 34 Cal. App. 4<sup>th</sup> 1832, 41 Cal. Rptr. 2d 192, the Court of Appeal allowed a person who was injured by a tenant's two Rottweilers while walking her small dog, to sue the landlord, holding that the landlord owed the victim a duty of care if he knew of the dogs' vicious propensities and did not take precautions to prevent the victim's injuries. In *Andrews v. Mobile Aire Estates* (2005) 125 Cal. App. 4<sup>th</sup> 578, 22 Cal. Rptr. 3d 832, the Court of Appeal held that a resident of a mobile home park could sue the park owner for breach of the lease for the park's alleged failure to take any action against a troublesome neighboring resident.

What these cases have in common is that they hold that landlords can be held liable for injuries caused by third parties. The basic test applied by the court in each case was whether the injury was "foreseeable" and whether the landlord was "negligent" by failing to take reasonable steps to avoid injury.

By analogy, a mobile home park owner who fails to take reasonable steps to avoid injury and damage from natural disasters is exposing himself to potential liability. While we never know when a disaster will strike, we know from recent experience that California is subject to high winds and massive wild fires. Of course, California is also known for its earthquakes. A court could therefore hold that damage from one of these natural disasters was "foreseeable." A court could further find that park management was "negligent" if it failed to take reasonable steps to minimize damage from natural disasters. This is particularly true in view of statutes requiring mobile home parks to have personnel available in the event of an emergency, and to have emergency procedures in place.

The following are valuable disaster preparedness plans to have in place in case of an emergency or natural disaster. Some are statutes applicable to mobile home parks in California, but regardless of your state, each are key to protecting your community's safety.

Every mobile home park should have a person available who will be responsible for and respond in a timely manner to emergencies con-

cerning, the operation and maintenance of the park. That person or his or her designee must reside in the park and have knowledge of emergency procedures relative to utility systems and common facilities under the ownership and control of the owner of the park.

In each park, the operator must post on the park premises the current emergency telephone numbers for, at a minimum, the gas company and the fire department, and the responsible person. The park operator must maintain on the park premises an emergency procedure, which shall be used in the event there is a gas leak or other safety hazard in the gas distribution system. The park operator is further required to inform each of the tenants of the mobile home park of the location of these emergency telephone numbers and the emergency procedure.

Park management should routinely inspect and maintain the park infrastructure. Be sure that the park has adequate water pressure to extinguish fires, and that the drainage system is kept clear of debris.

Park management can and should enforce all of the park rules and regulations, especially those relating to health and safety. Do not allow residents to accumulate debris or other flammable materials at their spaces, or to block utility shut-offs. Do not allow on-street parking if this would block access by emergency vehicles. Consider earthquake bracing of mobile homes.

Park management can keep emergency supplies readily accessible. The supplies need to be checked and replenished periodically. Park management should consider storing emergency items such as food, water, blankets, radios, and flashlights to last at least a week. As can be seen from the recent Hurricane Katrina disaster, help may not be available for many days.

Park management can adopt an evacuation plan, and enlist the aid of park residents through training and practice sessions. Make sure to get your park residents involved so it can be a "team" effort.

By taking reasonable protective measures before a natural disaster strikes, mobile home park management can minimize its legal liability. Hopefully, courts will understand that disasters are disasters, and that Park Owners should not be liable for injuries resulting from them.

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