

# Guests/Companions and Live-in Caregivers Webinar



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**Presented by:**

John Pentecost & Ryan Egan

Hart | King

# Who are John & Ryan?



**John Pentecost** is a partner with over 30 years of significant experience representing mobilehome communities. He has litigated hundreds of trials and has had extensive involvement in defending mobilehome communities—ranging from ground lease dispute issues, state and federal discrimination issues, failure to maintain actions, and Americans with Disabilities Act (ADA) matters.



**Ryan Egan** is an associate with Hart King and is a member of the litigation and manufactured housing practices. He focuses on real estate and land use matters. Ryan has successfully litigated dozens of court trials respecting possessory rights and regularly handles land use matters in bankruptcy court. He regularly handles landlord-tenant disputes and discrimination claims on behalf of land owners.

# Caregivers

- Reasonable Accommodation
- Aging in Place
- Family Members



# Caregivers

- Tenant Rights – When Do They Leave
- Abuse of Elderly
- The Arrival of Children



# Civil Code §798.34 (b)

## Companions and Live-Ins

(b) A homeowner who is living alone in the mobilehome and who wishes to share occupancy of his or her mobilehome with one other person may do so, and a fee shall not be imposed by management for that person. For purposes of this subdivision, a homeowner may only designate one person as his or her companion per calendar year, except in the case of the companion's death. Park management may refuse to allow a homeowner to share his or her mobilehome with a companion under this subdivision if park residency is subject to age restrictions and the proposed companion is unable or unwilling to provide documentation that the proposed companion meets those age restrictions.

# Case Study #1

## FACTS:

Mrs. Smith lives alone in Black Acre Mobilehome Park, which is a 55 year or older park. Mrs. Smith has come to the park manager requesting that her 25 year old grandson be her caregiver. The park has a previous “history” with the grandson and he is a trouble maker. In addition, the manager knows that the grandson works full time.



# Case Study #1 (continued)

## Questions:

1. What steps should the park take?
2. Does it matter that we have the derogatory information on the grandson?
3. Does the age of the proposed caregiver matter?
4. What if Mrs. Smith has allowed a person/companion reside with her for over 20 consecutive days?
5. What if the grandson has a small child?
6. What if the park suspects that the grandson has a criminal record?
7. What if the grandson has no caregiver training?

# Questions?



# *Thank you!*

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