

2001 MOBILEHOME BILL LIST

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FINAL

2001 MOBILEHOME BILL LIST

As of October 22, 2001

Major mobilehome & related bills in the California State Legislature

compliments of

Senator Joe Dunn

MOBILEHOME PARK SECURITY DEPOSITS

Background: Mobilehome owners have fought security deposits in mobilehome parks for years, contending that since they own the home there is no reason for the park to require a deposit. In 1988 the Legislature changed the law to provide that security deposits paid on or after January 1, 1989 in a mobilehome park were subject to refund after 1 year of satisfactory rental history. Due to opposition from park owners concerning the cost of a retroactive refund, the legislation did not address the refunding of deposits collected prior to 1989.

AB 210 (Corbett) – Refund of Pre-1989 Deposits

This bill provides that a mobilehome owner's security deposit paid prior to January 1, 1989 shall be

refunded to the homeowner by the park upon extension or renewal of his/her rental agreement providing the homeowner has: 1) given the management a 60-day written request for the refund, and 2) paid all rent and fees due for the 12 months prior to the request.

Support: GSMOL, CMRAA, Congress of Seniors; Opposition: CMPA.

STATUS: Passed Legislature, signed by the Governor August 6, 2001, Chapter 151, Statutes of 2001.

MOBILEHOME PARK "PASS THROUGH" FEES

Background: In recent years, many mobilehome parks, in addition to rents, have added so-called "pass through" fees to the homeowner's monthly billing for specified costs of park operation and maintenance, such as resurfacing the park roads, landscaping, or repairing the roof on the park clubhouse. Homeowners contend that by imposing both rent increases and fees, park owners are "double dipping" for the costs of operating the park. But park owners argue that "pass throughs" encourage park owners to make improvements in the park for everyone's benefit, and that homeowners should share in the amortized cost of the park upkeep.

AB 718 (Wiggins) – Park Maintenance Fees

This proposal prohibits so-called "pass through" fees by providing that park rental agreements must specify that the park management shall maintain physical improvements in the park common areas through revenue derived from rents rather than extra fees. This bill is similar to AB 479 (Wiggins, 2000), which was threatened with a veto and died on the Assembly floor.

Support: CMRAA, GSMOL; Opposition: CMHI, CMPA, WMA.

STATUS: Pending in Assembly Housing and Community Development. Two year bill.

MOBILEHOME RENT CONTROL

Background: Mobilehome park rent increases over the past 20 years, coupled with the fact that many residents of mobilehome parks are senior citizens on fixed incomes, have led to the enactment of more local mobilehome rent control ordinances and unending controversy in some communities. There are more than 100 California cities and counties that currently have such controls, and park owners have pursued legislation, local initiatives and referendums and pressed local governments with lawsuits challenging their rent control ordinances in many cases. State law exempts mobilehome park spaces from rent control which were newly constructed since January 1, 1990, are subject to long-term leases of more than one year, or are rented or leased by a resident as a second home. The courts have generally upheld rent control ordinances which are not a taking of property as a legitimate police power of local government, but some cities have expended tens or hundreds of thousands in public funds defending their rent ordinances. Smaller cities, that do not have in-house attorneys with the expertise to defend such lawsuits, often hire private attorneys who specialize in these cases. Under current law, in most cases a governmental agency cannot obtain attorney fees from the other party in court, even if the suit is frivolous and the agency wins. The costs of defending a rent ordinance can be significant and some jurisdictions have bowed to the pressure by amending their ordinances to weaken them rather than incur such costs.

SB 691 (McPherson) - Recovery of Attorney Fees in Rent Control Suits

This bill provides that a court shall award a local government entity, which is the prevailing party in an inverse condemnation proceeding challenging a mobilehome rent control ordinance, its attorney fees from the mobilehome park owner, if the court determines the latter had no reasonable ground to

bring the litigation. This measure also provides that in any civil action brought by a mobilehome park owner to challenge the validity of local rent control ordinance, where the local entity is the prevailing party, the court shall award attorneys' fees not exceeding \$7,500 and other legal expenses to the local entity if the court finds the park owner acted in an arbitrary and capricious manner in bringing the action.

Support: GSMOL, League of CA Cities, numerous individual cities; Opposition: CMPA, WMA.
STATUS: Passed Senate Floor (26-12), failed passage on the Assembly Floor (34-21).

AB 781 (J. Campbell) – Rent Control Exclusions

This measure would exclude mobilehome parks from local rent control if the average mobilehome value, including value of the space on which the home is located, exceeds \$300,000. It would also exclude individual park spaces from rent control where the mobilehome on that space sells for more than \$100,000, excluding the value of the site where the home is located.

Support: CMPA, WMA; Opposition: California Rural Legal Assistance, GSMOL, Western Center on Law and Poverty.

STATUS: Failed passage in Assembly Housing Committee (3-5), reconsideration granted. Two year bill.

PARK UTILITIES

Background: Master meter customers include mobilehome parks that operate their own "in-park" utility systems but are not regulated by the PUC if the charges for electric or gas do not exceed that which would be charged to park residents if a regulated utility served the residents directly and the park itemizes the charges and posts the prevailing utility rates. The PUC requires utilities to notify their customers about the low-income CARE discount program, which allows low-income customers to apply for a 20% discount on gas or electric bills. The notices are provided to park owner customers of the utilities but do not go directly to mobilehome owners who are not the utility's customers.

SB 920 (Dunn) – CARE Utility Requirements

This bill requires mobilehome parks to provide an annual notice to their residents in their utility billings about the CARE program, requires the park management to provide park information that residents may need to fill in their CARE application to the utility, and requires parks to pass through the CARE discount in their utility billings to residents who are CARE –qualified.

Support: AARP, CMRAA, GSMOL. Opposition: None on file.

STATUS: Passed Legislature, signed by the Governor October 2, 2001, Chapter 437, Statutes of 2001.

HOMEOWNERS & RENTERS ASSISTANCE

Background: First enacted in 1968, the Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Assistance Law provides property tax and renters tax relief to seniors over 62 and the totally disabled. From 1989 through 1998, this assistance was limited to those with annual household incomes of less than \$13,200 in inverse proportion to their income. In 1998 the Legislature and the Governor agreed to update the program by increasing the annual household income cap to \$33,360 for the 1999 calendar year, making corresponding changes in income brackets, and providing for indexing to keep up with inflation. SB 1664 (Karnette, 2000) provided a one-time increase of 150% in homeowners and renters assistance payments for qualifying individuals for the 2000-2001 calendar year only and

extended the filing date. Mobilehome owners living in mobilehome parks may file for either vehicle license fee or rent relief with the state Franchise Tax Board. However, owners of mobilehomes subject to property taxes who rent spaces in mobilehome parks must file for property tax relief and do not qualify for rent relief.

SB 218 (Dunn) - Program Continuation

This proposal would continue the 150% increase in homeowners and renters assistance payments indefinitely beyond the 2000-2001 fiscal year.

Support: Congress of California Seniors, Western Ctr. Law & Poverty; Opposition: None on file.
STATUS: Passed Senate Floor (39-0), pending in Assembly Rev and Tax. Two-year bill.

AB 426 (Cardoza) – 45% Payment Increase

This bill is a budget trailer bill providing tax relief in several areas, including a permanent 45% statutory increase over 1999 levels in payments to persons eligible for homeowners or renters assistance. Homeowners property tax assistance will be increased from a current minimum of \$14 to \$20 and a maximum of \$326 to \$473. Renters assistance will increase from a minimum of \$10 to \$15 and a maximum of \$240 to \$348. In order to receive the maximum assistance, annual household income must be less than \$8,812. Urgency measure.

Support: None on file; Opposition: None on file.

STATUS: Passed Legislature, signed by the Governor, Chapter 156, Statutes of 2001.

AB 1036 (Pescetti) – Renter Relief Option

This bill would allow an owner of a mobilehome subject to property taxation that is located on rented land, such as in a mobilehome park, to elect to file for either tax relief or rent relief.

Support: GSMOL; Opposition: None on file.

STATUS: Passed Assembly (78-0), pending Senate Rev & Tax Com. Two-year bill.

PARK HEALTH & SAFETY CODE ENFORCEMENT

Background: The Mobilehome Parks Act was adopted by the Legislature in 1967, giving the Commission (now Department) of Housing and Community Development (HCD) authority to regulate construction, use and maintenance of mobilehome parks and special occupancy parks and the installation of mobilehomes in those parks by regulations, commonly known as "Title 25." The regulations are initially enforced by inspection at the time of the park's construction as a condition of issuance of a permit to operate and thereafter usually on a complaint basis. HCD or local code enforcement agencies also conduct a complete inspection of parks with a history of complaints and code violations once every seven years. A December, 2000 hearing of the Senate Select Committee on Mobile and Manufactured Homes heard testimony about park lot line violations, lack of enforcement of park violations by HCD and district attorneys, lack of follow-through by HCD and enforcement agencies on complaints, and similar problems.

SB 339 (Dunn) - Inspection Follow-up, Lot Line Permits.

Follows up on the December hearing in the following areas: 1) Lot lines: despite current law, park owners often move lot lines or reconfigure spaces in order to install newer/larger homes without the approval of the affected neighboring homeowners or planning agency. SB 339 will give enforcement

agencies authority to require parks to obtain a permit before changing lot lines and to provide the agency with a plot map showing the size of each space in the park that is changed or affected by the change. 2) Follow-through: homeowners can file complaints about health and safety violations in a park, but many have complained that they never know when or if an inspector visited the park or the outcome of a complaint inspection. SB 339 will require HCD to notify the complainant in writing when the inspector is scheduled to inspect the complaint and notify the complainant of the outcome of the inspection.

Support: CMRAA, Congress of CA Seniors, GSMOL; Opposition: Department of Finance.
STATUS: Passed Senate Floor (30-3), died in Assembly Appropriations on suspense file.

SB 325 (O'Connell) – Special Occupancy Parks

This measure separates out those sections of the Mobilehome Parks Act relating to recreational vehicle (RV) or special occupancy parks and recodifies them in another part of the Health and Safety Code without making any substantive changes. The bill is similar to SB 2131(O'Connell, 2000), vetoed by the Governor.

Support: RV Park and Mobilehome Park Industry; Opposition: None on file.

STATUS: Passed Legislature, signed by the Governor October 2, 2001, Chapter 434, Statutes of 2001.

AB 1648 (Salinas) – Civil Penalties & Fines

Currently a county district attorney may prosecute a criminal violation of, or bring a civil action to abate, a health and safety violation in a mobilehome park. This bill will, in addition, permit a city attorney or county counsel to bring a civil action, as specified, to abate such a nuisance. The bill would also permit HCD or a local enforcement agency that has jurisdiction to cite a park for a Health and Safety Code violation to assess a \$100 civil fine against a park owner for each park violation that is not corrected 31 days after citation. Repeated violations of the same prohibition within one year would be subject to a \$250 civil fine per violation.

Support: HCD, Congress of CA Seniors; Opposition: CMPA, WMA.

STATUS: Passed Assembly Housing (8-0); pending in Assembly Appropriations, two-year bill.

AB 1318 (Correa) – Multi-unit Manufactured Housing

New manufactured housing configurations now being installed in some mobilehome parks include multi-unit manufactured housing (2 or more housing units in a single structure) and multi-story manufactured housing. This proposal provides that multi-unit manufactured housing installed in a mobilehome park is also subject to a building permit requirement under the Mobilehome Parks Act and must not exceed two stories in height or contain more than 4 dwelling units. The measure also clarifies that multi-unit manufactured housing, in addition to meeting accessibility and adaptability requirements applicable to dormitories, hotels and apartment houses, must meet egress and fire separation requirements for those uses and other structures that contain two or more units.

Support: HCD; Opposition: None on file.

STATUS: Passed Legislature, signed by the Governor September 27, 2001, Chapter 356, Statutes of 2001.

MOBILEHOME PARK COMMON AREAS

Background: The Mobilehome Residency Law requires the park common areas to be open and

available to homeowners during reasonable hours and permits homeowners to hold meetings relating to mobilehome issues and invite public officials to speak in the clubhouse. The management is prohibited from requiring homeowners to take out special one-time liability insurance to use the clubhouse for the meetings and events permitted by the Residency Law. However, some parks require homeowners to give the management security deposits or an insurance binder before they will be permitted to use the clubhouse for these events and allegedly will not permit non-homeowners to attend meetings in the park facilities.

AB 1202 (Harman) – Park Clubhouses

This bill would prohibit mobilehome parks from charging homeowners security deposits and requiring insurance binders to use the clubhouse for meetings permitted by the Mobilehome Residency Law, unless alcohol is to be served. The bill also permits non-homeowners to attend such meetings if homeowners living in the park are also present.

Support: CMRAA, GSMOL; Opposition: None on file.

STATUS: Passed Legislature, signed by the Governor July 19, 2001, Chapter 83, Statutes of 2001.

MOBILEHOME RESALE to PROSPECTIVE HOMEOWNERS

Background: Most mobilehome owners own their homes in mobilehome parks and rent the space on which the home sits from the park. Most mobilehomes are not moved but bought and sold in place in the park. The sale of a mobilehome in a park is a three party transaction. Not only must the buyer and seller agree, the park owner/ management also has the right to approve or reject the buyer for park residency. The Mobilehome Residency Law (MRL) states that management can only reject a buyer for inability to abide by the park rules and regulations, based on prior rental history, or inability to pay the rent and charges of the park. The MRL also provides that if the park management collects an application fee from a buyer to obtain a financial report or credit rating, the fee shall be credited toward the payment of the first month's rent, or if the buyer is rejected the fee shall be refunded within 30 days of rejection.

AB 1328 (Briggs) - Park Application Screening Fee

Repeals MRL provisions that require the application fee for a financial or credit rating report to be credited to the rent or made refundable to a rejected buyer and instead provides that an 'application screening fee' shall not be greater than the "out-of-pocket" costs to the management, as specified in the bill, or greater than \$30. The bill provides that the \$30 fee may be adjusted annually by management in accordance with increases in the Consumer Price Index as of January 1, 1998. The bill also provides that the management cannot charge the fee if they know a tenancy is not available within a reasonable time, shall provide the buyer with a receipt for the fee, shall provide a copy of the consumer credit report to the buyer if requested, and shall refund the fee if the management does not perform a personal reference check or obtain a credit report.

Support: WMA; Opposition: County Mobilehome Positive Action Com.- San Diego, CMRAA, GSMOL.

STATUS: Passed Assembly Housing Committee, 5-4, refused passage Assembly floor (29-24) reconsideration granted, refused passage second time (27-14). Dead.

MOBILEHOME PARK REHABILITATION

Background: At the December, 2000 hearing of the Senate Select Committee there was considerable

testimony on problems concerning water, sewer, and utility systems in mobilehome parks, especially in parks that are 30 or more years old. Park owners contend that the cost to repair or rehabilitate these systems will require them to raise the rent or pass through the costs to the homeowners, many of whom are low income.

SB 495 (Dunn) – Park Rehabilitation Loan Fund

This bill creates the Mobilehome Park Rehabilitation Program within HCD to provide low-interest loans to mobilehome park owners to rehabilitate park infrastructure, including electric, gas, water, sewer, fire suppression, or drainage systems. The cost of the loans to park owners could not be passed through in rent or fee increases to park residents.

Support: CMHI, Congress of CA Seniors, WMA; Opposition: Department of Finance.

STATUS: On Senate Appropriations suspense file. Two-year bill.

MOBILEHOME OMBUDSMAN

Background: Prior to 1986 there was no office that acted as a clearinghouse for mobilehome complaints. That year the Legislature established the Department of Housing and Community Development's (HCD's) Mobilehome Ombudsman to deal specifically with mobilehome complaints on mobilehome registration and titling, mobilehome sales, financing, warranties, mobilehome accessories, mobilehome and mobilehome park inspections, and the Mobilehome Residency Law. But after fiscal year 1989-90 specific funding for the program was no longer provided in the budget and Ombudsman's activities were absorbed within HCD's existing budget. In recent years, mobilehome owners have criticized the Mobilehome Ombudsman as unresponsive in following through on complaints.

SB 122 (Dunn) – Makes Ombudsman Responsive

This measure appropriates \$50,000 for the 2001-02 fiscal year from the Manufactured Home-Mobilehome Revolving Fund to make the Mobilehome Ombudsman program more effective and specifically requires Ombudsman employees to take complaints and calls, review correspondence and follow-through on the resolution of those complaints. Requires the

Ombudsman to make a report to the Legislature on its activities once every two years.

Support: AARP, CMRAA, GSMOL, Congress of CA Seniors; Opposition: CMPA, Department of Finance.

STATUS: Passed Legislature but vetoed by the Governor 8/13/01.

REGISTRATION & TITLING

Background: The Department of Housing and Community Development (HCD) creates and processes the title and registration documents for manufactured homes, mobilehomes and commercial coaches sold and registered in the state and collects an annual state in-lieu fee (VLF) on mobilehomes sold new prior to July 1, 1980. During the past decade HCD has experienced difficulty in processing these documents in a timely manner, resulting in a backlog that required some homeowners to wait months or even years to receive their new titles. Over the past year, HCD has caught up with the backlog, but a September, 1999 hearing of the Senate Select Committee on Mobile and Manufactured Homes on the backlog problem recommended, among other long-term solutions, that HCD use electronic mail as a means of expediting the processing of registration and titling documents.

AB 970 (Dutra) - Electronic Filing

This measure authorizes HCD to establish electronic programs and transaction fees to facilitate ownership and title documents for mobilehomes, manufactured homes, commercial coaches and floating homes with qualified private industry partners. The bill also allows the director to establish, by regulation, the amount of a fee that a private industry partner may charge its customers to provide electronic processing of title documents.

Support: HCD (sponsor), CMHI, GSMOL; Opposition: None on file.

STATUS: Passed Senate (39-0), passed Assembly Floor - concurrence in Senate amendments (75-1). Signed by Governor. Chapter 213, Statutes of 2001

MOBILEHOME SALES TAX

Background: The sales and use tax applies to most manufactured homes and mobilehomes in California. Used mobilehomes that remain on the Vehicle License Fee (VLF) system are subject to the full sales tax. Used mobilehomes that are subject to local property taxes are not subject to the sales tax. New manufactured homes and mobilehomes are subject to the sales tax less a 25% exemption from the gross sales price. Modular homes have a 40% exemption from the gross sales price for sales tax purposes.

SB 175 (Torlakson) - Tax Reduction

The bill increases the 25% exemption of the gross sales price on new mobilehomes and manufactured homes, for sales tax purposes, to 50%, similar to AB 1737 (Correa, 2000) that died in the Assembly. Support: CMHI, CMPA, WMA, various mobilehome dealers and manufacturers; Opposition: None on file.

STATUS: Pending in Senate Revenue and Taxation Committee; two-year bill.

RESIDENT OWNED PARKS (ROP's)

Background: Since the early 1980's, the idea of converting rental parks to resident ownership (ROP's) has grown in popularity among mobilehome owners seeking alternatives to avoid continued rent increases or possible displacement if their park is closed or converted to another use. In 1984 the Legislature enacted the Mobilehome Park Resident Ownership Program (MPROP) (SB 2240 - Seymour, 1984) administered by HCD to provide loans to lower income mobilehome residents to help them buy and convert their parks to resident ownership. Since 1984, it is estimated there have been more than 130 mobilehome parks converted to some form of resident ownership, more than 51 with assistance from MPROP funds. The Seymour bill also enacted a one-time exclusion for ROP's from property tax reassessment upon change of ownership, freezing a park's assessed value to make it more affordable for residents to buy the park. However, the tax exclusion or freeze is no longer applicable when individual interests or lots in the park are later resold, and each new buyer then becomes subject to reassessment. In some counties, tax assessor-collectors have not been notified of resales in ROP's set up as non-profit corporations or membership parks, where individual interests in the park are not separately titled, and new homeowners have not been notified that they are subject to increased tax liability. But in 1999, the Board of Equalization advised county assessors that they were required to reassess and collect back property taxes and penalties owed from residents of ROP's who had purchased their interests in the park since 1989 but had not been reassessed. Of the total number of ROP's, it is not known how many are non-profit or membership parks, and the problem

appears to be an issue only in counties where a number of such ROP's that have not been reassessed, particularly in Santa Cruz and San Diego counties.

AB 1457 (Keeley) – Property Taxation of ROP's

This measure prohibits county assessors from levying escape assessments or supplemental assessments on owners who purchased interests in resident owned parks, where the change of ownership occurred between 1989 and 2002 and where the county assessor failed to timely discover the change in ownership. Requires county assessors, beginning on the January 1, 2002 lien date, to reassess the base year value of ownership interests in resident owned parks that changed hands between 1989 and 2002. Requires that resident owners of mobilehome parks that do not record deeds to transfer ownership interests in lots or spaces (membership or non-profit) to notify county assessors annually and within 30 days of sale of any pro-rata change in ownership interests.

Support: Santa Cruz County Assessor; Opposition: None on file.

STATUS: Passed Senate (39-0). Passed Legislature, signed by the Governor October 12, 2001, Chapter 722, Statutes of 2001.

REDEVELOPMENT AGENCIES

Background: Local redevelopment agencies are authorized by state law to preserve affordable housing. Redevelopment law requires at least 30% of all new and rehabilitated dwelling units developed by an agency to be affordable to persons and families of low or moderate income, and requires at least 15% of such dwelling units developed within a project area by public or private entities other than the agency to be so affordable. To comply with these requirements, a redevelopment agency may purchase long-term affordability covenants on multifamily dwelling units that restrict the cost of renting or purchasing those units. Although under current redevelopment law, an agency may issue bonds to finance the purchase of mobilehome parks by non-profit organizations, there is no authority to purchase affordability covenants on mobilehome parks to satisfy the aforementioned inclusionary housing requirements.

AB 1567 (Runner) Mobilehome Parks as Inclusionary Housing

This bill allows the Lancaster redevelopment agency to purchase long-term affordability covenants on mobilehome parks, restricting space rents or purchase costs of the mobilehomes, to satisfy redevelopment inclusionary housing requirements, until January 1, 2006.

Support: City of Lancaster Redevelopment Agency; Opposition: None on file.

STATUS: Passed Legislature, signed by the Governor October 4, 2001, Chapter 491, Statutes of 2001.

PARK TRAILERS

Background: Construction standards for mobilehomes and manufactured homes are established by federal law and regulations. However, recreational vehicles (RVs), pursuant to state legislative deregulation in 1998, are subject to industry (ANSI) design and safety standards. A park trailer is a type of recreational vehicle defined for use in California as a trailer on a single chassis containing 400 square feet or less of gross floor area designed for human habitation for recreational and seasonal use only. Many park trailers are larger than a small mobilehome (320 sq. ft) and are often installed in special occupancy or recreational vehicle parks, where they may be rented out like cabins or rooms. Because of their size, park trailers, like manufactured homes, require a special permit to move them

on a highway. In 2000, the width of park trailers that can be used in California was increased from 12 to 14 feet (AB-1912, Torlakson).

AB 1541 (Dickerson) - Redefines Park Trailers

This measure amends the definition of a park trailer to provide that the 400 square feet of floor area excludes loft area storage space if the floor to ceiling height of the loft does not exceed 60 inches, the loft floor is designed to withstand 30 pounds per square foot live load, and the loft floor area does not exceed 50% of the total gross floor area of the trailer. The bill also specifies that the loft area may not be used for purposes other than storage unless it meets a number of other construction requirements relating to stairs, exits, smoke detectors, light, ventilation, and electrical wiring.

Support: California Travel Parks Association; Opposition: None on file.

STATUS: Passed Legislature, signed by the Governor October 4, 2001, Chapter 490, Statutes of 2001.

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Legend

AARP = American Association of Retired Persons

CMHI = California Manufactured Housing Institute (dealers & manufacturers)

CMPA = California Mobilehome Parkowners Alliance (park owners)

CMRAA = California Mobilehome Resource & Action Association (mobilehome owners)

HCD = Department of Housing and Community Development (state)

GSMOL = Golden State Manufactured Home Owners League (mobilehome owners)

WMA = Western Manufactured Housing Communities Association (park owners)