

Final 2009 Mobilehome and Related Housing Bill List
as of October 13, 2009

SENATE BILLS

SB 23 (Padilla) – Park Emergency Preparedness and Evacuation Plans

Currently, there is no state requirement for mobilehome parks to have emergency preparedness or evacuation plans in case of a disaster. This bill requires that, on or before September 1, 2010, mobilehome parks and special occupancy parks must adopt and post notice in a conspicuous park location of an emergency preparedness plan that may include either the 1997 plan adopted by the state Office of Emergency Services or any subsequent version, or an equivalent park plan. A responsible person in each park with 50 or more spaces shall be designated by the park to be familiar with the plan, and parks shall notify new and existing residents on or after September 10, 2010 of where the plan can be accessed. The bill states that the Department of Housing (HCD) or a designated local enforcement agency may determine whether a park is in compliance with these requirements. SB 23 also provides that a park operator shall not be responsible for the physical evacuation of residents from their homes in an emergency, for which individual residents shall be responsible themselves.

Status: Passed Senate Floor 35-0, Assembly Floor 66-6, Senate Concurrence 38-0, **signed** by Governor (Chapter 551, Statutes of 2009).

Sponsor: Author

SB 111 (Correa) – The Mobilehome Residency Law (MRL) Reorganization

The “landlord-tenant law for mobilehome parks,” the MRL sets forth the rights and responsibilities of mobilehome park management vis-à-vis the rights and responsibilities of homeowners and residents in California’s 4,705 parks. The bill would reorganize the utility provisions of the MRL by regrouping disparate sections into a new Article entitled “Utilities” within the MRL to make these provisions easier to find and understand.

Status: Passed Senate Floor 23 -13, Assembly Floor 77- 0, Senate Concurrence 34 – 4, **signed** by Governor (Chapter 558, Statutes of 2009)

Sponsor: Senate Select Committee on Manufactured Homes & Communities

SB 120 (Lowenthal) – Notice of Termination of Utilities in Master-Meter Parks

This bill provides that a regulated utility corporation, as well as a public utility district, providing heat, light or power, must notify renters, including occupants of master metered multi-unit dwellings and mobilehome parks, by mail as well as posting, of the termination of utility service due to the fact the landlord or park failed to pay the utility bill, 15 days prior to termination of utility service. The bill also provides that if the corporation, public utility, or district allows residents of an individually metered or master metered multi-family dwelling, including a mobilehome park, to take over the accounts that were the obligation of the landlord or park owner, the residents may deduct their monthly utility charges from the landlord’s or park’s rent.

Status: Passed Senate Floor 23-14, passed Assembly Floor 47-29, Senate Concurrence 24-13, **signed** by Governor (Chapter 560, Statutes of 2009)
Sponsor: Western Center on Law and Poverty

SB 166 (Runner) - Special Occupancy Parks

The Department of Housing and Community Development has adopted regulations for special occupancy (RV) parks that prohibit a truck camper from being occupied if it has been removed from the truck. This bill would supersede that regulation and instead make it a crime for any person to occupy a truck camper that has been dismantled from a truck, unless the camper is equipped with permanently mounted jacks on all four corners.

Status: Passed Senate Floor 37-0, passed Assembly Housing Committee 6-0, passed Assembly Floor 74-0, Senate concurred in Assembly Amendments, **vetoed** by Governor.

Sponsor: Lance Campers; Recreational Vehicle Industry Association (RVIA)

SB 183 (Lowenthal) - Carbon Monoxide Alarms

Current law requires that smoke alarms be installed in manufactured homes or mobilehomes. Current law also requires, on the sale of real property or resale of a manufactured home or mobilehome, that a seller to provide a buyer with a transfer disclosure statement (TDS) making specified disclosures or certifications regarding the property or home. This measure requires that owners of all existing single-family dwelling units on or before January 1, 2011, and all other existing dwelling units, although not specifically mobilehomes, on or before July 1, 2012, install a carbon monoxide device listed by the State Fire Marshal. The bill also requires the State Fire Marshal to certify and approve carbon monoxide devices for residential use. The bill revises mobilehome TDS requirements relating to installation of smoke alarms, garage door reversing mechanisms, and water heaters that are safety strapped, and adds a resale disclosure requirement for carbon monoxide devices.

Status: Passed Senate Floor 21-12, passed Assembly 54-21, passage rescinded, measure placed on Assembly Inactive File, 2-year bill.

Sponsor: CA Coalition for Children's Safety and Health, CA State Firefighters Assn.

SB 224 (Correa) – CalHome and CHFA Housing Programs

The state's CalHome program provides loans and grants to help lower-income homeowners purchase or rehabilitate their homes, including mobilehomes. This bill provides that local agencies administering these state funds cannot discriminate, in their underwriting criteria, in making loans or grants to low-income homeowners solely on the basis that the home is a mobilehome or manufactured home or the home is located in a mobilehome park. The bill also clarifies that ignition resistant exterior components now required by the Department of Housing (HCD), as the result of recent wildfires, for mobilehomes located in wildfire urban interface zones, shall be eligible for the purposes of CalHome rehabilitation grants. Lastly, the bill has also been amended to authorize

the California Housing Finance Agency (CHFA), which administers the California Homebuyer's Downpayment Assistance Program for first-time low- and moderate-income home buyers, to permit the downpayment assistance loan to be subordinated to refinancing of conventional financing on the home if the agency determines refinancing is necessary to avoid foreclosure and that the terms of subordination are reasonable. Urgency Measure.

Status: Passed Senate Floor 37-0, passed Assembly Housing Committee 6-0, Passed Assembly 74-0, Senate concurred in Assembly amendments, **signed** by Governor (Chapter 172, Statutes of 2009)

Sponsor: Senate Select Committee on Manufactured Homes & Communities, CHFA.

SB 251 (Sen. Trans. & Housing Committee) – 2009 Omnibus Housing Bill

Combining non-controversial or minor changes to statutes in one “Omnibus” bill, rather than separate bills, can be more cost-effective. Among other provisions, this Omnibus bill corrects a minor error in a bill from last year (AB 2050, Garcia) re: verification that water heaters in mobilehomes and manufactured homes have been strapped. The bill also expands a current law that prohibits a manufactured housing factory from selling directly (not through a dealer) to developers, except where they purchase more than 5 homes for delivery to a single subdivision in a single year, by expanding the exception to non-profit housing corporations that develop low-income “infill” or housing projects.

Status: Passed Senate Floor 37-0, Assembly Floor 78-0, Senate Concurrence 37-0, **signed** by Governor (Chapter 632, Statutes of 2009)

Sponsor: Senate Transportation & Housing Committee

SB 290 (Leno) - Conventional Tenancies – 60-day Notice of Termination

Current law, in effect until January 1, 2010, requires that an owner of a residential dwelling give at least 60 days' notice prior to termination, as specified, and at least 30 days' notice prior to termination if any tenant or resident has resided in the dwelling for less than one year. SB 290 would delete the January 1, 2010 sunset date on these provisions, making them permanent. Mobilehome owners in parks already have a 60-day notice provision, but this bill may affect residents in mobilehome parks who do not own but rent their mobilehome as well as the space.

Status: Passed Senate Floor 21-15, passed Assembly Floor 44-30, **signed** by Governor (Chapter 347, Statutes of 2009)

Sponsor: Western Center on Law and Poverty

SB 398 (Correa) – Fire Code Enforcement in Mobilehome Parks

The Department of Housing and Community Development (HCD) has pre-emptive authority for health and safety (including fire) code enforcement in mobilehome parks, except that a local agency which takes on all park code enforcement for HCD may enforce its own fire code, or a local fire agency may assume jurisdiction for 10 limited fire code issues in parks, such as weed abatement or fire hydrants. This bill would add 4 additional fire code categories for which a local fire agency may assume fire code

enforcement jurisdiction in mobilehome parks, including combustible brush and vegetation clearance, flammable liquid storage, hazardous materials storage and use, and open burning. The bill would also clarify that a fire district has authority to enforce fire code in a mobilehome park if so delegated by the local enforcement city or county agency that has jurisdiction to enforce the Mobilehome Parks Act in parks.

Status: Passed Senate Floor 24-8, Assembly Floor 49-24, Senate concurrence 26-12, **signed** by Governor (Chapter 586, Statutes of 2009)

Sponsor: Senate Select Committee on Manufactured Housing & Communities

SB 542 (Wiggins) – Solar Energy Programs, Multi-Unit and Manufactured Housing

The California Solar Initiative is implemented by the California Energy Commission and the California Public Utilities Commission (CPUC) to encourage energy efficiency and conservation. This bill requires the CPUC to develop plans to expand participation of multi-unit residential and commercial rental properties in energy efficiency and solar programs and also provides that the CPUC and the Energy Commission shall inform solar energy installers that a solar energy system installed on a manufactured home must comply with HCD's Title 25 requirements for modification of a manufactured home.

Status: Passed Senate 30-8; Assembly Utilities and Commerce Committee 9-5, held on Assembly Appropriations Suspense File, 2-year bill.

Sponsor: Author

SB 804 (Leno) – Mobilehome Sales: Replacement Homes in the Park

The Mobilehome Residency Law provides that the park management may not require a homeowner selling his/her home in the park to use the management or a specified dealer or broker approved by management as an agent in the sale as a condition of management approval of the buyer for residency in the park. This bill prohibits park management from requiring a homeowner, who is replacing a mobilehome, on the space in the park in which the homeowner resides, from using a specific broker or dealer in the purchase or installation of the replacement home.

Status: Passed Senate 28-6, Assembly Housing Committee 5-0, passed Assembly Judiciary 7-0, passed Assembly Floor 72-0, **signed** by Governor (Chapter 66, Statutes of 2009)

Sponsor: Author

ASSEMBLY BILLS

ABxxxx 12 (Evans) – State Budget Bill

This is one of several state budget or budget trailer bills for 2009-2010. Among many other provisions this bill would increase the original HCD registration fee on mobilehomes and manufactured homes, and the annual renewal fee on VLF mobilehomes (pre-7/81 homes), by \$12 (from \$11 to \$23). The bill would also increase HCD's annual Permit to Operate (PTO) fee on mobilehome parks from the current \$25 to \$140 along with the per space fee from \$6 to \$13 (\$7 increase). SB 73 (Budget Committee bill) also repeals and reinstates these provisions as of January 1, 2010 to

reinforce the fee increases if a pending lawsuit overturns ABxxxx12. Passed by both houses, to the Governor.

Status: ABxxxx12 - passed the Assembly 54-24, passed the Senate 27-12, **signed** by Governor (Chapter 12, Stat. 2009, 4th Extraordinary Session)

AB 313 (Fletcher) – Common Interest Development (CID) Assessments

Amends the Davis-Stirling Common Interest Development Act, which regulates CIDs including some resident-owned mobilehome parks, to prohibit a homeowners association from levying assessments on members based on the taxable value of a homeowner's separate interest unless the association, on or before December 31, 2009, in accordance with the CID's declaration, levied the assessment on the taxable value of separate interest as determined by the county tax assessor.

Status: Passed the Assembly 75-0, Senate Trans & Housing Com. 11-0, passed Senate 40-0, Assembly concurs in Senate amendments, **signed** by Governor (Chapter 431, Statutes of 2009)

Sponsor: Rancho Santa Fe Housing Development

AB 481 (Ma) – Rent Control/Principal Residence

Current law provides that a mobilehome located on a space in a mobilehome park is exempt from local rent control protection if the park management can show, based on public records, the home is not the homeowner's principal residence. The rent control exemption also does not apply if the park does not permit the homeowner to sublet the space within the park that is subject to rent control. This bill eliminates the public record and subletting requirements.

Status: Pending in Assembly Housing Committee, hearing cancelled, 2-year bill.

Sponsor: Western Manufactured Housing Communities Association (WMA)

AB 566 (Nava) – Conversion of Parks to Condominiums

The Subdivision Map Act provides that local governments are limited to imposing only certain state requirements upon converters of mobile home parks to condominium resident ownership. This bill would expand one of the state requirements for a survey of resident support by providing the survey must show support of the majority of the residents in order for the converter to obtain a map from the local jurisdiction. The bill would also provide that local agencies are not prohibited from enacting "reasonable" measures in addition to current state requirements to prevent "sham" conversions or to preserve affordable housing.

Status: Passed Assembly Floor 41-31, passed Senate Floor 21 – 14, Assembly concurs in Senate amendments 44-28, **vetoed** by Governor.

Sponsor: City of Carson, GSMOL.

AB 761 (Charles Calderon) – Mobilehome Park Rent De-Control

Approximately 100 local jurisdictions have some form of mobilehome park rent control in California. This bill would provide for a “vacancy decontrol” feature for mobilehome park tenancies by specifying that on or after January 1, 2011, upon the sale, transfer, or termination of an interest in a mobilehome or tenancy in a park, the park may offer a new rental agreement with rents in excess of that established by a local rent control ordinance or measure. The new rents could not to exceed market rates as determined

by recognized appraisal standards, or rent increases not to exceed approximately 14.3% a year over the previous year’s rent, whichever is lower, until January 1, 2017, at which time there would be no limit on such rent increases.

Status: Passed the Assembly Housing Committee 4-2, passed Assembly Floor 42-27; pending in Senate Rules Committee for assignment, 2-year bill

Sponsor: Western Manufactured Housing Communities Association (WMA)

AB 869 (Mendoza) – Park Manager Certification

The Mobilehome Residency Law and Mobilehome Parks Act impose some duties and responsibilities on mobilehome park owners and managers, but currently there is no state requirement for licensure or training of park managers. This bill would establish a system of voluntary certification, requiring managers to complete 10 hours of training in specified subjects, including the Mobilehome Residency Law, from a trade association or accredited postsecondary educational institution, in order to be certified. The bill would also require parks that fail to correct health and safety code violations within 120 days of a citation to thereafter have the park manager certified within 60 days.

Status: Failed Passage in Assembly Housing Committee 2-2, granted reconsideration, 2-year bill.

Sponsor: Golden State Manufactured Home Owners League (GSMOL)

AB 880 (Niello) - Prefabricated Panelized Homes – Contractor’s License

Current law requires a person engaged in the construction, installation, alteration, repair, or preparation for moving of a manufactured home or mobilehome or accessory structure to be a licensed contractor. This measure would include a “prefabricated panelized home” - as defined by the bill - to be within the category of manufactured housing for which a contractor’s license is required for the above purposes.

Status: Passed Assembly Business & Professions Com. 11-0, held on suspense in the Assembly Appropriations Committee, 2-year bill.

Sponsor: Author

AB 1059 (Silva) – Mobilehome Park Conversion & Relocation – Bankruptcy

This bill makes numerous changes in various state laws to conform to recent changes in federal bankruptcy laws and to correct obsolete references, including a technical change in the wording relative to the inapplicability of mobilehome park conversion and

relocation requirements when a park closes as the result of an adjudication of bankruptcy.

Status: Passed Assembly Floor 78-0, Senate Judiciary Committee 5-0, passed the Senate Floor 39-0, Assembly concurred in Senate amendments, **signed** by Governor (Chapter 500, Statutes of 2009)

Sponsor: California State Bar Association

AB 1061 (Lieu) - Common Interest Developments (CID) – Water Conservation

This bill would provide that any common interest development (CID) governing documents that prohibit or impose conditions on the use of low-water using plants as a group, or have the effect of prohibiting or conditioning compliance with local water-efficient landscape or conservation measures are void and unenforceable. This bill could affect some resident owned mobilehome parks that are CIDs.

Status: Passed Assembly Floor 75-0, Senate Floor 39-0, Assembly Concurrence 76-0, **signed** by Governor (Chapter 503, Statutes of 2009)

Sponsor: Southern California Water District

AB 1108 (Fuentes) – Park Master Meter Utilities

Master-meter mobilehome parks receive gas and electric service from a regulated utility corporation or a public district at the master meter but operate and maintain their own gas and electric utility systems and bill residents for utility use within the park. Master-meter utilities are mostly unregulated, although the Public Utilities Code requires that where gas or electric service is provided to a master-meter operator, the operator must charge the same rate to individual residents as the regulated utility would charge if the utility was serving those residents directly. This bill provides that if the California Public Utilities Commission (CPUC) finds that a master-meter mobilehome park has failed to maintain or repair its sub-meter facilities, the commission may order the master-meter customer to repair those facilities and require that funds from the rate 'differential' or discount afforded master-meter customers be placed in trust by the owner for such maintenance and repair or be provided to the serving utility assuming responsibility for electric or gas service from the park. The bill would require the CPUC to open a rulemaking or other proceeding to adopt criteria for determining when master-meter park operators shall be required to transfer responsibility for gas or electric service to the serving regulated utility corporation in the area serving the park, and require the CPUC, in consultation with HCD and county weights and measures departments, to help develop a system for inspection of park master-meter gas and electric systems for the purpose of determining the criteria under which and which parks shall transfer those systems to the serving utility.

Status: Passed the Assembly Floor 45-30; passed Senate Energy, Utilities & Commerce 8-3, pending on the Senate Appropriations Suspense file, 2-year bill.

Sponsor: Author /Neighborhood Friends

AB 1474 (Cook) – Mobilehome Sales Tax Exemption

With the recent enactment of the 1% sales tax increase in California, the rate is now 7¼% from April 1, 2009 until July 1, 2012. New manufactured homes and mobilehomes sold by a dealer are subject to 75% of the price the dealer paid for home. This bill exempts new mobilehomes or manufactured homes from the 1% sales tax increase if the purchaser's contract to buy the home from the dealer was entered on or before February 20, 2009 but the actual sale (close of escrow) occurs after April 1, 2009.

Status: Held in the Assembly Appropriations Committee on Suspense, 2-year bill.

Sponsor: California Manufactured Housing Institute (CMHI)

Legend of Terms and Abbreviations

CHFA = California Housing Finance Agency

CID = Common Interest Development

CMHI = California Manufactured Housing Institute (manufacturers/dealers)

CPUC = California Public Utilities Commission

GSMOL = Golden State Manufactured-home Owners League (homeowners)

HCD = Department of Housing & Community Development (state)

MRL = Mobilehome Residency Law

RV = Recreational Vehicle

RVIA = Recreational Vehicle Industry Association

TDS = Transfer Disclosure Statement

WMA = Western Manufactured Housing Communities Association (park owners)