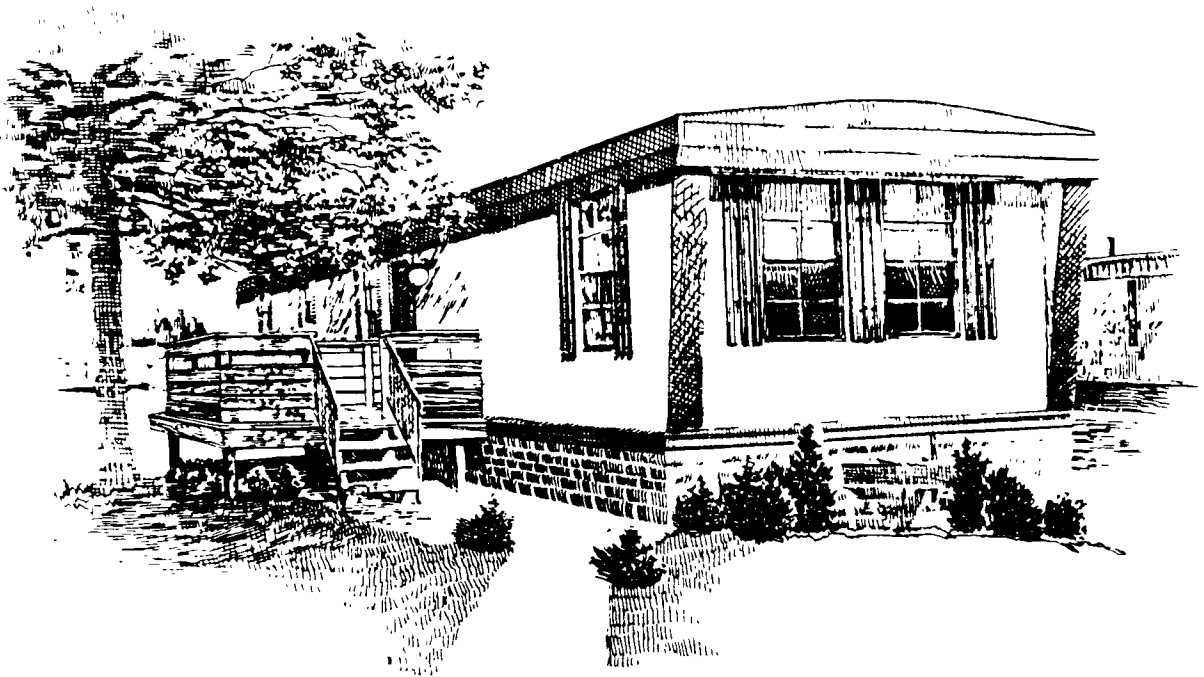


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R E S I D E N C Y L A W
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R E C R E A T I O N A L V E H I C L E
P A R K O C C U P A N C Y L A W

(GOVERNING CALIFORNIA PARK TENANCY & RESIDENCY)



Compliments of
THE SENATE SELECT COMMITTEE ON MOBILEHOMES

Senator William A. Craven,
Chairman

(Effective January 1, 1994)

Synopsis of 1993 Legislative Changes
to the
MOBILEHOME RESIDENCY LAW

REPAIR OF COMMON FACILITIES/NOTICE OF TERMINATION TO LIENHOLDER

AB-503, Chapter 666 - amends Sections 798.3, 798.15, 798.55

- 798.3 - corrects an incorrect code section reference in the definition of a mobilehome from 799.24 to 799.29.
- 798.15 - amends required contents of rental agreement to provide that park management has a reasonable time to repair a sudden or unforeseen breakdown in park common area facilities.
- 798.55 - provides an alternative procedure, by certified or regular mail, for notifying the legal owner or lienholder of a mobilehome of a termination of the homeowner-resident's tenancy in the park.

MANUFACTURED HOUSING COMMUNITIES

AB-2177, Chapter 858 - amends Section 798.6.

- 798.6 - amends definition of a mobilehome park to provide that it includes a manufactured housing community as defined in Section 18801 of the Health & Safety Code.

RENT CONTROL FEES

SB-6, Chapter 9 - amends Section 798.17.

- 798.17 - clarifies that a mobilehome park space which is exempt from local rent control shall not be subject to a fee or other exaction by the local agency for administration of rent control.

PARK RULES AND REGULATIONS

AB-217, Chapter 520 - adds Section 798.23.

- 798.23 - requires a park owner or employee to comply with all park rules and regulations applicable to residents in the park, except rules relating to the age of residents, subletting of mobilehomes, and management's normal maintenance of the park.

AB-285, Chapter 102 - amends Section 798.25.

- 798.25 - requires park management to meet with homeowners and their representatives concerning any proposed changes to park rules and regulations, with a 10-day advance written notice provided to each homeowner in the park.

AB-1012, Chapter 889 - adds Section 798.25.5.

798.25.5 - makes void and unenforceable any park rule or regulation which violates all of the following: is unilaterally adopted by the management, is implemented without the consent of the homeowners, and which denies homeowners their right to a jury trial or requires binding arbitration of any dispute between homeowners and the management.

NOTICE OF RENT INCREASE

AB-870, Chapter 448 - amends Section 798.30.

798.30 - requires park management to give homeowners a written notice of any rent increase at least 90 days, rather than the current 60 days, prior to the increase.

"FOR SALE" SIGNS

SB-293, Chapter 329 - amends Section 798.70.

798.70 - expands the maximum permissible size of an individual mobilehome "for sale" sign to 24 x 36 inches in size, permits location of such a sign, perpendicular to the street, in front of the home on a designated type of H- or A-frame, instead of in the window or side of the home (as long as the sign does not extend into the street), and permits information tubes or holders on the sign or home for handbills describing features of the home for sale.

ADULT/ SENIOR ONLY RULES

AB-2244, Chapter 1277 - amends Sections 798.76 & 799.5.

798.76 - amends current state law authorizing "adult only" rules in rental mobilehome parks by clarifying that parks may only limit residency based on age requirements for housing of older persons which are in conformity with the Federal Fair Housing Amendments Act of 1988 and implementing regulations.

799.5 - amends current state law authorizing "adult only" rules in subdivision, cooperative, and condominium mobilehome parks by clarifying that parks may only limit residency based on age requirements for housing of older persons which are in conformity with the Federal Fair Housing Amendments Act of 1988 and implementing regulations.

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1994

CALIFORNIA MOBILEHOME RESIDENCY LAW

and

RECREATIONAL VEHICLE PARK OCCUPANCY LAW

- BACKGROUND -

Most of the provisions of the Mobilehome Residency Law (MRL) were enacted piecemeal over a number of years and codified under Chapter 2.5 of the Civil Code in 1978. Since 1978, a number of sections have been amended and others added to the Code. The MRL is divided into 9 Articles, by subject, as indicated in the accompanying table of sections.

Violations of the Mobilehome Residency Law, like provisions of conventional landlord-tenant law, are enforced by the courts; that is, the disputing parties must enforce the MRL against one another in a court of law. The State Department of Housing & Community Development (HCD) does not have authority to enforce these Civil Code provisions. For example, a park owner, not the state, must utilize an unlawful detainer procedure in a court to evict a homeowner for non-payment of rent or failure to abide by reasonable park rules. By the same token, a homeowner in a park, not the state, must sue the park in court to enforce a notice or other MRL requirement, or obtain an injunction, if the management will not otherwise abide by the MRL.

The Recreational Vehicle Park Occupancy Law was first enacted in 1979. Violations, like those of the Residency Law, are enforceable through legal action in the courts. Now divided into 7 Articles, the RV Park Occupancy Law was substantially revised in 1992.

A relevant Elections Code Section is also included in this document.

Note that, for 1994, the old text for sections which were amended and repealed is lined out; newly added or amended sections are underlined and identified by an asterisk by the section number.

NOTE: Please feel free to make copies as needed.

1994 MOBILEHOME RESIDENCY LAW
CHAPTER 2.5 OF THE CALIFORNIA CIVIL CODE

ARTICLE 1. GENERAL

798. TITLE AND APPLICATION

This chapter shall be known and may be cited as the "Mobilehome Residency Law."

(Amended by SB-1655, Ch. 958 (1992), eff. 9/28/92)

798.1 APPLICATION OF DEFINITIONS

Unless the provisions or context otherwise requires, the following definitions shall govern the construction of this chapter.

(Enacted by Ch. 1031 (1978), eff. 1/1/79)

798.2. DEFINITION OF MANAGEMENT

"Management" means the owner of a mobilehome park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.

(Enacted by Ch. 1031 (1978), eff. 1/1/79)

*** 798.3. DEFINITION OF MOBILEHOME**

- (a) "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but, except as provided in subdivision (b), does not include a recreational vehicle, as defined in Section ~~799.24~~ 799.29 of this code and Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.8 of the Health and Safety Code.
- (b) "Mobilehome," for purposes of this chapter, other than Section 798.73, also includes trailers and other recreational vehicles of all types defined in Section 18010 of the Health and Safety Code, other than motor homes, truck campers, and camping trailers, which are used for human habitation if the occupancy criteria of either paragraph (1) or (2), as follows, are met:
- (1) The trailer or other recreational vehicle occupies a mobilehome site in the park, on November 15, 1992, under a rental agreement with a term of one month or longer, and the trailer or other recreational vehicle occupied a mobilehome site in the park prior to January 1, 1991.
 - (2) The trailer or other recreational vehicle occupies a mobilehome site in the park for nine or more continuous months commencing on or after November 15, 1992.

"Mobilehome" does not include a trailer or other recreational vehicle located in a recreational vehicle park subject to Chapter 2.6 (commencing with Section 799.20), except as otherwise provided in subdivision (b) of Section 799.45.

(Amended by AB-503, Ch. 666 (1993), eff. 1/1/94)

798.4. DEFINITION OF MOBILEHOME PARK

"Mobilehome park" is an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation. (Enacted by Ch. 1031 (1978), eff. 1/1/79)

*** 798.6. DEFINITION OF PARK**

"Park" is a manufactured housing community as defined in Section 18801 of the Health & Safety Code, or a mobilehome park.

(Amended by AB-2177, Ch. 858 (1993), eff. 1/1/94)

798.7. DEFINITION OF NEW CONSTRUCTION

"New Construction" means any newly constructed spaces initially held out for rent after January 1, 1990.

(Enacted by Ch. 412 (1989), eff. 1/1/90)

798.8. DEFINITION OF RENTAL AGREEMENT

"Rental agreement" is an agreement between the management and the homeowner establishing the terms and conditions of a park tenancy. A lease is a rental agreement. (Amended by Ch. 1397 (1982), eff. 1/1/83)

798.9. DEFINITION OF HOMEOWNER

"Homeowner" is a person who has a tenancy in a mobilehome park under a rental agreement. (Amended by Ch. 1397 (1982), eff. 1/1/83)

798.10. DEFINITION OF CHANGE OF USE

"Change of use" means a use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof.

"Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are to be sold.

(Amended & renumbered by Ch. 714 (1981), eff. 1/1/82)

798.11. DEFINITION OF RESIDENT

"Resident" is a homeowner or other person who lawfully occupies a mobilehome. (Amended by Ch. 1397 (1982), eff. 1/1/83)

798.12. DEFINITION OF TENANCY

"Tenancy" is the right of a homeowner to the use of a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.

(Amended by Ch. 1397 (1982), eff. 1/1/83)

798.14. DELIVERY OF NOTICE

Unless otherwise provided, all notices required by this chapter shall be either delivered personally to the homeowner or deposited in the United States mail, postage prepaid, addressed to the homeowner at his or her site within the mobilehome park.

(Enacted by Ch. 301 (1988), eff. 1/1/89)

ARTICLE 2. RENTAL AGREEMENT*** 798.15. IN WRITING AND REQUIRED CONTENTS**

The rental agreement shall be in writing and shall contain, in addition to the provisions otherwise required by law to be included, all of the following:

- (a) The term of the tenancy and the rent therefor.
- (b) The rules and regulations of the park.
- (c) A copy of the text of this chapter shall be attached as an exhibit and shall be incorporated into the rental agreement by reference. Management shall provide all homeowners with a copy of this chapter prior to February 1 of each year, if a significant change was made in the chapter by legislation enacted in the prior year.
- (d) A provision specifying that (1) it is the responsibility of the management to provide and maintain physical improvements in the common facilities in good working order and condition, and (2) with respect to a sudden or unforeseeable breakdown or deterioration of these improvements, the management shall have a reasonable period of time to repair the sudden or unforeseeable breakdown or deterioration and bring the improvements into good working order and condition after management knows or should have known of the breakdown or deterioration. For purposes of this subdivision, a reasonable period of time to repair a sudden or unforeseeable breakdown or deterioration shall be as soon as possible in situations affecting a health or safety condition, and shall not exceed 30 days in any other case except where exigent circumstances justify a delay.
- (e) A description of the physical improvements to be provided the homeowner during his or her tenancy.
- (f) A provision listing those services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the fees, if any, to be charged for those services.

- (g) A provision stating that management may charge a reasonable fee for services relating to the maintenance of the land and premises upon which a mobilehome is situated in the event the homeowner fails to maintain such land or premises in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within 14 days. The written notice shall state the specific condition to be corrected and an estimate of charges to be imposed by management if the services are performed by management or its agent.
- (h) All other provisions governing the tenancy.
(Amended by AB-503, Ch. 666 (1993), eff. 1/1/94)

798.16. INCLUSION OF OTHER PROVISIONS

The rental agreement may include such other provisions permitted by law, but need not include specific language contained in state or local laws not a part of this chapter.

(Amended by Ch. 667 (1981), eff. 1/1/82)

* 798.17. RENTAL AGREEMENTS EXEMPT FROM RENT CONTROL

- (a) (1) Rental agreements meeting the criteria of subdivision (b) shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent. The terms of such a rental agreement meeting the criteria of subdivision (b) shall prevail over conflicting provisions of such an ordinance, rule, regulation, or initiative measure limiting or restricting rents in mobilehome parks only during the term of the rental agreement or one or more uninterrupted, continuous extensions thereof. If the rental agreement is not extended and no new rental agreement in excess of 12 months' duration is entered into, then the last rental rate charged for the space under the previous rental agreement shall be the base rent for purposes of applicable provisions of law concerning rent regulation, if any.
- (2) In the first sentence of the first paragraph of a rental agreement entered into on or after January 1, 1993, pursuant to this section, there shall be set forth a provision in at least 12-point boldface type if the rental agreement is printed, or in capital letters if the rental agreement is typed, giving notice to the homeowner that the rental agreement will be exempt from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent.
- (b) Rental agreements subject to this section shall meet all of the following criteria:
- (1) The rental agreement shall be in excess of 12 months' duration.
 - (2) The rental agreement shall be entered into between the management and a homeowner for the personal and actual residence of the homeowner.

- (3) The homeowner shall have at least 30 days from the date the rental agreement is first offered to the homeowner to accept or reject the rental agreement.
- (4) The homeowner who executes a rental agreement offered pursuant to this section may void the rental agreement by notifying management in writing within 72 hours of the homeowner's execution of the rental agreement.
- (c) If, pursuant to paragraph (3) or (4) of subdivision (b), the homeowner rejects the offered rental agreement or rescinds a signed rental agreement, the homeowner shall be entitled to instead accept, pursuant to Section 798.18, a rental agreement for a term of 12 months or less from the date the offered rental agreement was to have begun. In the event the homeowner elects to have a rental agreement for a term of 12 months or less, including a month-to-month rental agreement, the rental agreement shall contain the same rental charges, terms, and conditions as the rental agreement offered pursuant to subdivision (b), during the first 12 months, except for options, if any, contained in the offered rental agreement to extend or renew the rental agreement.
- (d) Nothing in subdivision (c) shall be construed to prohibit the management from offering gifts of value, other than rental rate reductions, to homeowners who execute a rental agreement pursuant to this section.
- (e) With respect to any space in a mobilehome park ~~which~~ that is exempt under subdivision (a) from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity that establishes a maximum amount that a landlord may charge a tenant homeowner for rent, ~~the mobilehome park shall be exempt from any fee or other exaction imposed pursuant to such an ordinance, rule, regulation, or initiative measure or imposed and notwithstanding any ordinance, rule, regulation, or initiative measure, a mobilehome park shall not be assessed any fee or other exaction for a park space that is exempt under subdivision (a) imposed pursuant to any ordinance, rule, regulation, or initiative measure. No other fee or other exaction shall be imposed for a park space that is exempt under subdivision (a) for the purpose of defraying the cost of administration thereof.~~
- (f) At the time the rental agreement is first offered to the homeowner, the management shall provide written notice to the homeowner of the homeowner's right (1) to have at least 30 days to inspect the rental agreement, and (2) to void the rental agreement by notifying management in writing within 72 hours of the acceptance of a rental agreement. The failure of the management to provide the written notice shall make the rental agreement voidable at the homeowner's option upon the homeowner's discovery of the failure. The receipt of any written notice provided pursuant to this subdivision shall be acknowledged in writing by the homeowner.
- (g) No rental agreement subject to subdivision (a) that is first entered into on or after January 1, 1993, shall have a provision which authorizes automatic extension or renewal of, or automatically extends or renews, the rental agreement for a period

beyond the initial stated term at the sole option of either the management or the homeowner.

- (h) This section does not apply to or supersede other provisions of this part or other state law.

(Amended by SB-6, Ch. 9 (1993), eff. 4/29/93)

798.18. LENGTH OF AGREEMENT; COMPARABLE MONTHLY TERMS

- (a) A homeowner shall be offered a rental agreement for (1) a term of 12 months, or (2) a lesser period as the homeowner may request, or (3) a longer period as mutually agreed upon by both homeowner and management.
- (b) No such agreement shall contain any terms or conditions with respect to charges for rent, utilities, or incidental reasonable service charges that would be different during the first 12 months of the agreement from the corresponding terms or conditions that would be offered to the homeowners on a month-to-month basis.
- (c) No rental agreement for a term of 12 months or less shall include any provision which authorizes automatic extension or renewal of, or automatically extends or renews, the rental agreement beyond the initial term for a term longer than 12 months at the sole option of either the management or the homeowner.

(Amended by SB-1454, Ch. 289 (1992), eff. 1/1/93)

798.19. NO WAIVER OF CHAPTER 2.5 RIGHTS

No rental agreement for a mobilehome shall contain a provision by which the homeowner waives his or her rights under the provisions of Articles 1 to 8, inclusive, of this chapter. Any such waiver shall be deemed contrary to public policy and void.

(Amended by Ch. 1397 (1982), eff. 1/1/83)

798.20. NO PRIVATE CLUB DISCRIMINATION

Membership in any private club or organization which is a condition for tenancy in a park shall not be denied on the basis of race, color, religion, sex, national origin, ancestry, or marital status.

(Enacted by Ch. 1031 (1978), eff. 1/1/79)

*** 798.22. RECREATIONAL VEHICLES IN PARKS**

- (a) In any new mobilehome park that is developed after January 1, 1982, mobilehome spaces shall not be rented for the accommodation of recreational vehicles as defined by Section ~~799.24~~ 799.29 unless the mobilehome park has a specifically designated area within the park for recreational vehicles, which is separate and apart from the area designated for mobilehomes. Recreational vehicles may be located only in the specifically designated area.
- (b) Any new mobilehome park that is developed after January 1, 1982, is not subject to the provisions of this section until 75 percent of the spaces have been rented for the first time.

(Amended by AB-503, Ch. 666 (1993), eff. 1/1/94)

ARTICLE 3. RULES AND REGULATIONS

* 798.23. APPLICATION TO PARK OWNERS AND EMPLOYEES

- (a) The owner of the park, and any person employed by the park, shall be subject to, and comply with, all park rules and regulations, to the same extent as residents and their guests.
- (b) This section shall not apply to either of the following:
 - (1) Any rule or regulation that governs the age of any resident or guest.
 - (2) Acts of a park owner or park employee which are undertaken to fulfill a park owner's maintenance and care responsibilities.
- (c) This section shall not affect in any way, either to validate or invalidate, nor does this section express a legislative policy judgment in favor of or against, the enforcement of a park rule or regulation which prohibits or restricts the subletting of a mobilehome park space by a tenant.

(Added by AB-217, Ch. 520 (1993), eff. 1/1/94)

798.24. POSTING OF COMMON AREA FACILITY HOURS

Each common area facility shall be open or available to residents at all reasonable hours and hours of the common area facility shall be posted at the facility. (Enacted by Ch. 503 (1983), eff. 1/1/84)

* 798.25. AMENDMENTS TO RULES AND REGULATIONS - NOTICE

- (a) When the management proposes an amendment to the park's rules and regulations, the management shall meet and consult with the homeowners in the park, their representatives, or both, after written notice has been given to all the homeowners in the park 10 days or more before the meeting. The notice shall set forth the proposed amendment to the park rules and regulations and shall state the date, time, and location of the meeting.
- (b) Following the meeting and consultation with the homeowners, the noticed amendment to the park rules and regulations may be implemented, as to any homeowner, with the consent of that homeowner, or without the homeowner's consent upon written notice of not less than six months, except for regulations applicable to recreational facilities, which may be amended without homeowner consent upon written notice of not less than 60 days.
- (c) Written notice to a homeowner whose tenancy commences within the required period of notice of a proposed amendment to the park's rules and regulations under subdivision (b) shall constitute compliance with this section where the written notice is given before the inception of the tenancy.

~~A rule or regulation of the park may be amended at any time with the consent of a homeowner, or without his or her consent upon written notice to him or her of not less than six months, except for~~

~~regulations applicable to recreational facilities which may be amended without his or her consent upon written notice to him or her of not less than 60 days. Written notice to a new homeowner, whose tenancy commences within the required period of notice, of a proposed amendment shall constitute compliance with this section where the written notice is given to him or her before the inception of his or her tenancy.~~

(Amended by AB-285, Ch. 102 (1993), eff. 1/1/94)

*** 798.25.5. VOID RULES**

Any rule or regulation of a mobilehome park that (a) is unilaterally adopted by the management, (b) is implemented without the consent of the homeowners, and (c) by its terms purports to deny homeowners their right to a trial by jury or which would mandate binding arbitration of any dispute between the management and homeowners shall be void and unenforceable.

(Added by AB-1012, Chap. 889 (1993), eff. 1/1/94)

798.26. MANAGEMENT ENTRY INTO MOBILEHOMES

- (a) Except as provided in subdivision (b), and notwithstanding any other provision of law to the contrary, the ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes shall have no right of entry to a mobilehome without the prior written consent of the resident. Such consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the mobilehome park, subdivision, cooperative, or condominium at any reasonable time, but not in a manner or at a time which would interfere with the resident's quiet enjoyment.
- (b) The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes may enter a mobilehome without the prior written consent of the resident in case of an emergency or when the resident has abandoned the mobilehome.

(Amended by Ch. 519 (1983), eff. 1/1/84)

798.27. NOTICE OF ZONING OR USE PERMIT

- (a) The management shall give written notice to all homeowners and prospective homeowners concerning the following matters:
 - (1) The nature of the zoning or use permit under which the mobilehome park operates. If the mobilehome park is operating pursuant to a permit subject to a renewal or expiration date, the relevant information and dates shall be included in the notice.
 - (2) The duration of any lease of the mobilehome park, or any portion thereof, in which the management is a lessee.

- (b) If a change occurs concerning the zoning or use permit under which the park operates or a lease in which the management is a lessee, all homeowners shall be given written notice within 30 days of such change. Notification regarding the change of use of the park, or any portion thereof, shall be governed by subdivision (g) of Section 798.56. A prospective homeowner shall be notified prior to the inception of the tenancy.

(Amended by AB-600, Ch. 190 (1991), eff. 1/1/92)

798.28. DISCLOSURE OF PARK OWNER'S NAME

The management of a mobilehome park shall disclose, in writing, the name, business address, and business telephone number of the mobilehome park owner upon the request of a homeowner.

(Amended by AB-577, Ch. 62 (1991), eff. 1/1/92)

*** 798.28.5. VEHICLE REMOVAL**

The management may cause the removal, pursuant to Section 22658 of the Vehicle Code, of a vehicle other than a mobilehome which is parked in the park when there is displayed a sign at each entrance to the park as provided in paragraph (1) of subdivision (a) of Section 22658 of the Vehicle Code.

(Added by SB-209, Ch. 32 (1993), eff. 1/1/94)

798.29. NOTICE OF MOBILEHOME OMBUDSMAN

The management shall post on a sign provided by the Department of Housing and Community Development only the name, address, and phone number of the Mobilehome Ombudsman designated under Chapter 9 (commencing with Section 18150) of Part 2 of Division 13 of the Health and Safety Code, in a conspicuous public place within the mobilehome park.

(Enacted by Ch. 333 (1988), eff. 1/1/89)

798.29.5. NOTICE OF UTILITY INTERRUPTION

The management shall provide, by posting notice on the mobilehomes of all affected homeowners and residents, at least 72 hours' written advance notice of an interruption in utility service of more than two hours for the maintenance, repair, or replacement of facilities of utility systems over which the management has control within the park, provided that the interruption is not due to an emergency. The management shall be liable only for actual damages sustained by a homeowner or resident for violation of this section.

"Emergency," for purposes of this section, means the interruption of utility service resulting from an accident or act of nature, or cessation of service caused by other than the management's regular or planned maintenance, repair, or replacement of utility facilities.

(Enacted by SB-1389, Ch. 317 (1992), eff. 1/1/93)

ARTICLE 4. FEES AND CHARGES*** 798.30. NOTICE OF RENT INCREASE**

The management shall give a homeowner written notice of any increase in his/her rent at least ~~60~~ 90 days before the date of the increase.
(Amended by AB-870, Ch. 448 (1993), eff. 1/1/94)

798.31. AUTHORIZED FEES CHARGED

A homeowner shall not be charged a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered. A homeowner shall not be charged a fee for obtaining a lease on a mobilehome lot for (1) a term of 12 months, or (2) a lesser period as the homeowner may request. A fee may be charged for a lease of more than one year if the fee is mutually agreed upon by both the homeowner and management. (Amended by Ch. 624 (1984), eff. 1/1/85)

798.32. UNLISTED SERVICES WITHOUT NOTICE - NO FEES

- (a) A homeowner shall not be charged a fee for services actually rendered which are not listed in the rental agreement unless he or she has been given written notice thereof by the management, at least 60 days before imposition of the charge.
- (b) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.
(Amended by SB-1365, Ch. 338 (1992), eff. 1/1/93)

798.33. PET FEES

- (a) A homeowner shall not be charged a fee for keeping a pet in the park unless the management actually provides special facilities or services for pets. If special pet facilities are maintained by the management, the fee charged shall reasonably relate to the cost of maintenance of the facilities or services and the number of pets kept in the park.
- (b) If the management of a mobilehome park implements a rule or regulation prohibiting residents from keeping pets in the park, the new rule or regulation shall not apply to prohibit the residents from continuing to keep the pets currently in the park if the pet otherwise conforms with the previous park rules or regulations relating to pets. However, if the pet dies or no longer lives with the resident, the resident does not have the right to replace the pet.
- (c) Any rule or regulation prohibiting residents from keeping pets in the mobilehome park shall not apply to guide dogs, signal dogs, or service dogs. (Amended by Ch. 42 (1989), eff. 1/1/90)

798.34. GUEST FEES

- (a) A homeowner shall not be charged a fee for a guest who does not stay with him or her for more than a total of 20 consecutive days or a total of 30 days in a calendar year. Such a guest shall not be required to register with the management.
- (b) A homeowner who is living alone and who wishes to share his or her mobilehome with one person may do so, and a fee shall not be imposed by management for such person. The person shall be considered a guest of the homeowner and any agreement between the homeowner and the person shall not change the terms and conditions of the rental agreement between management and the homeowner. The guest shall comply with the provisions of the rules and regulations of the mobilehome park.
- (c) A senior homeowner may share his or her mobilehome with any person over 18 years of age if that person is providing live-in health care or live-in supportive care to the homeowner pursuant to a written treatment plan prepared by the homeowner's physician. A fee shall not be charged by management for that person. That person shall have no rights of tenancy in the park, and any agreement between the homeowner and the person shall not change the terms and conditions of the rental agreement between management and the homeowner. That person shall comply with the rules and regulations of the mobilehome park. As used in this subdivision, "senior homeowner" means a homeowner who is 55 years of age or older.

(Amended by SB-1314, Ch. 337 (1992), eff. 1/1/93)

798.35. MEMBERS OF IMMEDIATE FAMILY - NO FEES

A homeowner shall not be charged a fee based on the number of members in his or her immediate family. As used in this section, the "immediate family" includes the homeowner, his or her spouse, their parents, and their children. (Amended by Ch. 1397 (1982), eff. 1/1/83)

798.36. ENFORCEMENT OF PARK RULES - NO FEES

A homeowner shall not be charged a fee for the enforcement of any of the rules and regulations of the park, except a reasonable fee may be charged by management for the maintenance of the land and premises upon which the mobilehome is situated in the event the homeowner fails to do so in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within 14 days. The written notice shall state the specific condition to be corrected and an estimate of the charges to be imposed by management if the services are performed by management or its agent. (Amended by Ch. 519 (1983), eff. 1/1/84)

798.37. ENTRY, HOOKUP, LANDSCAPING & MAINTENANCE CHARGES

A homeowner shall not be charged a fee for the entry, installation, hookup, or landscaping as a condition of tenancy except for an actual

fee or cost imposed by a local governmental ordinance or requirement directly related to the occupancy of the specific site upon which the mobilehome is located and not incurred as a portion of the development of the mobilehome park as a whole. However, reasonable landscaping and maintenance requirements may be included in the park rules and regulations. The management shall not require a homeowner or prospective homeowner to purchase, rent, or lease goods or services for landscaping from any person, company, or corporation.

(Amended by Ch. 519 (1983), eff. 1/1/84)

798.38. UTILITY SERVICE BILLING; RATE SCHEDULE

Where management provides both master meter and submeter service of utilities to a homeowner, for each billing period the cost of the charges for the period shall be separately stated along with the opening and closing readings for his meter. The management shall post in a conspicuous place, the prevailing residential utilities rate schedule as published by the serving utility.

(Amended by Ch. 1397 (1982), eff. 1/1/83)

798.39. SECURITY DEPOSITS

- (a) The management may only demand a security deposit on or before initial occupancy and the security deposit may not be in an amount or value in excess of an amount equal to two months' rent that is charged at the inception of the occupancy, in addition to any rent for the first month. In no event shall additional security deposits be demanded of a homeowner following the initial occupancy.
- (b) After the homeowner has promptly paid to the management within 5 days of the date the amount is due, all of the rent, utilities, and reasonable service charges for any 12 consecutive month period subsequent to the collection of the security deposit by management, or upon resale of the mobilehome, whichever occurs earlier, management shall, upon the receipt of a written request from the homeowner, refund to the homeowner the amount of the security deposit within 30 days following the end of the 12 consecutive month period of the prompt payment or the date of the resale of the mobilehome.
- (c) In the event that the interest in the mobilehome park is transferred to any other party or entity, the successor in interest shall have the same obligations of management contained in this section with respect to the security deposit.
- (d) The management shall not be required to place any security deposit collected in an interest-bearing account or to provide a homeowner with any interest on the security deposit collected.
- (e) This section applies to all security deposits collected on or after January 1, 1989. However, any security deposit collected on other than initial occupancy from a homeowner between January 1, 1988 and the effective date of this section shall be refunded on or before January 31, 1989. (Enacted by Ch. 59 (1988), eff. 1/1/89)

798.40. NO LIEN/SECURITY INTEREST EXCEPT BY MUTUAL AGREEMENT

The management shall not acquire a lien or security interest, other than an interest arising by reason of process issued to enforce a judgment of any court, in a mobilehome located in the park unless it is mutually agreed upon by both the homeowner and management. Any billing and payment upon the obligation shall be kept separate from current rent. (Enacted by Ch. 390 (1986), eff. 1/1/87)

798.41. UTILITIES SEPARATELY BILLED - RENT CONTROL EXEMPT

- (a) Where a rental agreement, including a rental agreement specified in Section 798.17, does not specifically provide otherwise, the park management may elect to bill a homeowner separately for utility service fees and charges assessed by the utility for services provided to or for spaces in the park. Any separately billed utility fees and charges shall not be deemed to be included in the rent charged for those spaces under the rental agreement, and shall not be deemed to be rent or a rent increase for purposes of any ordinance, rule, regulation, or initiative measure adopted or enforced by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent, provided that at the time of the initial separate billing of any utility fees and charges the rent chargeable under the rental agreement or the base rent chargeable under the terms of a local rent control provision is simultaneously reduced by an amount equal to the fees and charges separately billed. The amount of this reduction shall be equal to the average amount charged to the park management for that utility service for that space during the twelve months immediately preceding notice of the commencement of the separate billing for that utility service.

Utility services to which this section applies are natural gas or liquid propane gas, electricity, water, cable television, garbage or refuse service, and sewer service.

- (b) This section does not apply to rental agreements entered into prior to January 1, 1991, until extended or renewed on or after that date.
- (c) Nothing in this section shall require rental agreements to provide for separate billing to homeowners of fees & charges specified in subdivision (a).
- (d) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

(Amended by SB's-1658 & 338, Ch's. 160 & 338 (1992), eff.1/1/93)

798.42. FINES & FORFEITURES NOT CHARGEABLE

- (a) The management shall not charge or impose upon a homeowner any fee or increase in rent which reflects the cost to the management of any fine, forfeiture, penalty, or fee assessed by a court of law against the management for a violation of this chapter, including any attorney's fees & costs incurred by the management in connection therewith.
- (b) A court shall consider the remoteness in time of the assessment against the management of any fine, forfeiture, penalty, or fee in determining whether the homeowner has met the burden of proof that the fee or increase in rent is in violation of this section.
(Enacted by Ch. 1374 (1990), eff. 1/1/91)

*** 798.43. DISCLOSURE OF COMMON AREA UTILITY CHARGES**

- (a) Except as provided in subdivision (b), whenever a homeowner is responsible for payment of gas, water, or electric utility service, management shall disclose to the homeowner any condition by which a gas, water, or electric meter on the homeowner's site measures gas or electric service for common area facilities or equipment, including lighting, provided that management has knowledge of the condition.

Management shall disclose this information prior to the inception of the tenancy or upon discovery and shall complete either of the following:

- (1) Enter into a mutual written agreement with the homeowner for compensation by management for the cost of the portion of the service measured by the homeowner's meter for the common area facilities or equipment to the extent that this cost accrues on or after January 1, 1991.
 - (2) Discontinue using the meter on the homeowner's site for the utility service to the common area facilities and equipment.
- (b) On or after January 1, 1994, if ~~If~~ the electric meter on the homeowner's site measures electricity for lighting mandated by Section 18602 of the Health and Safety Code and this lighting provides lighting for the homeowner's site, management shall ~~not~~ be required to comply with subdivision (a).
(Amended by AB-1140, Ch. 147 (1993), eff. 1/1/94)

ARTICLE 4.5. RENT CONTROL**798.45. NEW CONSTRUCTION EXEMPT**

Notwithstanding Section 798.17, "new construction" as defined in Section 798.7, shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county, which establishes a maximum amount that a landlord may charge a tenant for rent. (Enacted by Ch. 412 (1989), eff. 1/1/90)

798.49. GOVERNMENT FEES & ASSESSMENTS WHICH ARE EXEMPT

- (a) Except as provided in subdivision (d), the local agency of any city, including a charter city, county, or city and county, which administers an ordinance, rule, regulation, or initiative measure that establishes a maximum amount that management may charge a tenant for rent shall permit the management to separately charge a homeowner for any of the following:
- (1) The amount of any fee, assessment or other charge first imposed by the city, including a charter city, county, or city and county on or after January 1, 1993, upon the space rented by the homeowner.
 - (2) The amount of any increase on or after January 1, 1993, in an existing fee, assessment or other charge imposed by the city, including a charter city, county, or city and county upon the space rented by the homeowner.
 - (3) The amount of any fee, assessment or other charge upon the space first imposed or increased on or after January 1, 1993, pursuant to any state or locally mandated program relating to housing contained in the Health and Safety Code.
- (b) If management has charged the homeowner for a fee, assessment, or other charge specified in subdivision (a) that was increased or first imposed on or after January 1, 1993, and the fee, assessment, or other charge is decreased or eliminated thereafter, the charge to the homeowner shall be decreased or eliminated accordingly.
- (c) The amount of the fee, assessment or other charges authorized by subdivision (a) shall be separately stated on any billing to the homeowner. Any change in the amount of the fee, assessment, or other charges that are separately billed pursuant to subdivision (a) shall be considered when determining any rental adjustment under the local ordinance.
- (d) This section shall not apply to any of the following:
- (1) Those fees, assessments, or charges imposed pursuant to the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13, of the Health and Safety Code) unless specifically authorized by Section 18502 of the Health and Safety Code.
 - (2) Those costs that are imposed on management by a court pursuant to Section 798.42.
 - (3) Any fee or other exaction imposed upon management for the specific purpose of defraying the cost of administration of any ordinance, rule, regulation, or initiative measure that establishes a maximum amount that management may charge a tenant for rent.
 - (4) Any tax imposed upon the property by a city, including a charter city, county, or city and county.
- (e) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the

homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

(Enacted by SB-1365, Ch. 338 (1992), eff. 1/1/93)

ARTICLE 5. HOMEOWNER COMMUNICATIONS AND MEETINGS

798.50. LEGISLATIVE INTENT

It is the intent of the Legislature in enacting this article to ensure that homeowners and residents of mobilehome parks have the right to peacefully assemble and freely communicate with one another and with others with respect to mobilehome living or for social or educational purposes. (Enacted by Ch. 198 (1989), eff. 1/1/90)

798.51. RIGHT TO ASSEMBLY, MEET, CANVASS, PETITION & INVITE SPEAKERS

No provision contained in any mobilehome park rental agreement, rule, or regulation shall deny or prohibit the right of any homeowner or resident in the park to do any of the following:

- (a) Peacefully assemble or meet in the park, at reasonable hours and in a reasonable manner, for any lawful purpose. Meetings may be held in the park community or recreation hall or clubhouse when the facility is not otherwise in use, and, with the consent of the homeowner, in any mobilehome within the park.
- (b) Invite public officials, candidates for public office, or representatives of mobilehome owner organizations to meet with homeowners and residents and speak upon matters of public interest, in accordance with Section 798.50.
- (c) Canvass & petition homeowners and residents for non-commercial purposes relating to mobilehome living, election to public office, or the initiative, referendum, or recall processes, at reasonable hours and in a reasonable manner, including distribution or circulation of information. (Enacted by Ch. 198 (1989), eff. 1/1/90)

798.52. INJUNCTIVE ACTION TO ENFORCE RIGHTS

Any homeowner or resident who is prevented by management from exercising the rights provided for in Section 798.51 may bring an action in a court of law to enjoin enforcement of any rule, regulation, or other policy which unreasonably deprives a homeowner or resident of those rights. (Enacted by Ch. 198 (1989), eff. 1/1/90)

ARTICLE 5.5. HOMEOWNERS MEETINGS WITH MANAGEMENT

798.53. MANAGEMENT MEETINGS WITH RESIDENTS

The management shall meet and consult with the homeowners, upon written request, within 30 days of the request, either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented on the following matter:

- (a) Amendments to park rules and regulations.
- (b) Standards for maintenance of physical improvements in the park.
- (c) Addition, alteration, or deletion of service, equipment, or physical improvements.
- (d) Rental agreements offered pursuant to Section 798.17.

Any collective meeting shall be conducted only after notice thereof has been given to all the requesting homeowners 10 days or more before the meeting. (Enacted by Ch. 198 (1989), eff. 1/1/90)

ARTICLE 6. TERMINATION OF TENANCY

* 798.55. LEGISLATIVE INTENT; TERMINATION FOR CAUSE; 60-DAY NOTICE

- (a) The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobile-home parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.
- (b) The management shall not terminate or refuse to renew a tenancy, except for a reason specified in this article and upon the giving of written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure, to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, as defined in Section 18005.8 of the Health and Safety Code, each junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, and the registered owner of the mobilehome, if other than the homeowner, by United States mail within 10 days after notice to the homeowner. The copy may be sent by regular mail or by certified or registered mail with return receipt requested, at the option of the management. If the homeowner has not paid the rent due within three days after notice to the homeowner, and if the first notice was not sent by certified or registered mail with return receipt requested, ~~the~~ a copy of the notice shall again be sent to the legal owner, each junior lienholder, and the registered owner, if other than the homeowner, by certified or registered mail with return receipt requested within 10 days after notice to the homeowner. Copies of the notice shall be addressed to the legal owner, each junior lienholder, and the registered owner at their addresses, as set forth in the registration card specified in Section 18091.5 of the Health and Safety Code.

(Amended by AB-503, Ch. 666 (1993), eff. 1/1/94)

798.56. SIX AUTHORIZED REASONS FOR TERMINATION OF TENANCY

A tenancy shall be terminated by the management only for one or more of the following reasons:

- (a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of noncompliance from the appropriate governmental agency.
- (b) Conduct by the homeowner or resident, upon the park premises, which constitutes a substantial annoyance to other homeowners or residents.
- (c) Conviction of the homeowner or resident for prostitution or a felony controlled substance offense if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

However the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

- (d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park which is a part of the rental agreement, or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on 3 or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

- (e)(1) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided, that the homeowner shall be given a 3-day written notice subsequent to that 5-day period to pay the amount due or to vacate the tenancy. For purposes of this subdivision, the 5-day period does not include the date the payment is due. The 3-day written notice shall be given to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy.

- (2) Payment by the homeowner prior to the expiration of the 3-day notice period shall cure a default under this subdivision. In the event the homeowner does not pay prior to the expiration of the 3-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.
- (3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health & Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.
- (4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.
- (5) If a homeowner has been given a 3-day notice to pay the amount due or to vacate the tenancy on three or more occasions within the preceding 12-month period, no written 3-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event, the management shall give written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of Section 798.55, by certified or registered mail, return receipt requested, within 10 days after notice is sent to the homeowner.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

- (1) The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.
- (2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

- (3) The management gives each proposed homeowner written notice thereof prior to the inception of his or her tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.
 - (4) Notice requirements for termination of tenancy set forth in Section 798.56 and 798.57 shall be followed if the proposed change actually occurs.
 - (5) A notice of a proposed change of use given prior to January 1, 1980, which conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.
- (h) The report required pursuant to subdivisions (b) & (i), Section 65863.7 of the Gov. Code shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this section.
- (Amended by Ch. 1357 (1990), eff. 1/1/91)

798.56a. NOTICE REQUIREMENT OF LEGAL OWNER/JUNIOR LIENHOLDER

- (a) Within 60 days following receipt, or no later than 65 days after the mailing, of the notice of termination of tenancy pursuant to any reason provided in Section 798.56, the legal owner and each junior lienholder shall notify the management in writing of at least one of the following:
 - (1) Its offer to sell the obligation secured by the mobilehome to the management for the amount specified in its written offer. In that event, the management shall have 15 days following receipt of the offer to accept or reject the offer in writing. If the offer is rejected, the person or entity shall have 10 days in which to exercise one of the other options contained in this section and shall notify management in writing of its choice.
 - (2) Its intention to foreclose on its security interest in the mobilehome.
 - (3) Its request that management pursue termination of tenancy against the homeowner and its offer to reimburse management for the reasonable attorney's fees and court costs incurred by the management in that action.
- (b) In the event that the legal owner or junior lienholder exercises any option described in paragraph (2) or (3) of subdivision (a), and has the right to sell the mobilehome within the park to a third party in accordance with this article, that person or entity shall have the right to keep the mobilehome on the site within the mobilehome park until it is resold as long as the person or entity performs all of the following acts:
 - (1) (A) Satisfies, within the time period specified in subdivision (a), all of the homeowner's responsibilities and liabilities owing to the management for the 90 days preceding the mailing

of the notice of termination of tenancy and then continue to satisfy them as they accrue from the date of the mailing of that notice until the date the mobilehome is resold.

- (B) Performance under this paragraph does not cure the default of the homeowner.
 - (C) For purposes of this paragraph, the "homeowner's responsibilities and liabilities" means all rents, utilities, reasonable maintenance charges of the mobilehome and its premises, and reasonable maintenance of the mobilehome and its premises pursuant to existing park rules and regulations.
- (2) Within the time period specified in subdivision (a), commences all repairs and necessary corrective actions so that the mobilehome complies with park rules and regulations in existence at the time the notice of termination of tenancy was given as well as the health and safety standards specified in Sections 18550, 18552, & 18605 of the Health & Safety Code, and completes these repairs and corrective actions within 90 calendar days of that notice, or before the date the mobilehome is resold, whichever is earlier.
 - (3) Complies with requirements of Art. 7 (commencing with Section 798.70) as it relates to the transfer of the mobilehome to a third party.
 - (4) Reimburses the management the amount of reasonable attorney's fees and court costs, as agreed upon by the management and the legal owner or junior lienholder, incurred by the management in an action to terminate the homeowner's tenancy, where a request is made pursuant to paragraph (3) of subdivision (a). The reimbursement shall be paid to the management on or before the earlier of (A) the 60th calendar day following receipt of written notice from the management of the aggregate amount of those reasonable attorney's fees and costs or (B) the date the mobilehome is resold.
- (c) In the event the legal owner or junior lienholder does not respond to the notice provided by management by notifying management in writing of its election pursuant to subdivision (a), or does not satisfy the requirements of subdivision (b), that person or entity shall have no rights to sell the mobilehome within the park to a third party.
 - (d) In the event the homeowner files for bankruptcy, the periods set forth in this section are tolled until the mobilehome is released from bankruptcy.
 - (e) Notwithstanding any other provision of law, including, but not limited to, Section 18099.5 of the Health and Safety Code, in the event neither the legal owner nor a junior lienholder, if any, notifies the management of its decision pursuant to subdivision (a) within the period allowed, or performs as agreed within 30 days, the management may either remove the mobilehome from the premises and place it in storage or store it on its site. In this case, notwithstanding any other provision of law, the management shall have a warehouseman's lien in accordance with Section 7209 of the Commercial Code against the mobilehome for the costs of dismantling and moving, if appropriate, as well as storage, which

shall be superior to all other liens, except the lien provided for in Section 18116.1 of the Health and Safety Code, and may enforce the lien pursuant to Section 7210 of the Commercial Code.

- (f) All written notices required by this section shall be sent to the other party by certified or registered mail with return receipt requested. (Amended by AB-2715, Ch. 835 (1992), eff. 1/1/93)

798.57. STATEMENTS OF REASONS IN NOTICE

The management shall set forth in a notice of termination, the reason relied upon for the termination with specific facts to permit determination of the date, place, witnesses, and circumstances concerning that reason. Neither reference to the section number or a subdivision thereof, nor a recital of the language of this article will constitute compliance with this section.

(Enacted by Ch. 1031 (1978), eff. 1/1/79)

798.58. NO TERMINATION TO MAKE SPACE FOR PARK OWNER'S BUYER

No tenancy shall be terminated for the purpose of making a homeowner's site available for a person who purchased a mobilehome from the owner of the park or his agent.

(Amended by Ch. 1397 (1982), eff. 1/1/83)

798.59. 60-DAY NOTICE BY RESIDENT OF TERMINATION

A homeowner shall give written notice to the management of not less than 60 days before vacating his or her tenancy.

(Amended by Ch. 1397 (1982), eff. 1/1/83)

798.60. APPLICATION OF OTHER UNLAWFUL DETAINER LAWS

The provisions of this article shall not affect any rights or proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure except as otherwise provided herein. (Enacted by Ch. 1031 (1978), eff. 1/1/79)

798.61. ABANDONED MOBILEHOMES - PROCEDURES

- (a)(1) As used in this section, "abandoned mobilehome" means a mobilehome about which all of the following are true:

- (A) It is located in a mobilehome park on a site for which no rent has been paid to the management for the preceding 60 days.
- (B) It is unoccupied.
- (C) A reasonable person would believe it to be abandoned.

- (2) For purposes of this section:

- (A) "Mobilehome" shall include a trailer coach, as defined in Section 635 of the Vehicle Code, or a recreational vehicle, as defined in Section 18010 of the Health and Safety Code,

if the trailer coach or recreational vehicle also satisfies the requirements of paragraph (1), including being located on any site within a mobilehome park, even if the site is in a separate designated section pursuant to Section 18215 of the Health and Safety Code.

- (B) "Abandoned mobilehome" shall include a mobilehome which is uninhabitable because of its total or partial destruction which cannot be rehabilitated, if the mobilehome also satisfies the requirements of paragraph (1).
- (b) After determining a mobilehome in a mobilehome park to be an abandoned mobilehome, the management shall post a notice of belief of abandonment on the mobilehome for not less than 30 days, and shall deposit copies of the notice in the United States mail, postage prepaid, addressed to the homeowner at the last known address and to any known registered owner, if different from the homeowner, and to any known holder of a security interest in the abandoned mobilehome. This notice shall be mailed by registered or certified mail with a return receipt requested.
- (c) Thirty or more days following posting pursuant to subdivision (b), the management may file a petition in the municipal or justice court for the judicial district in which the mobilehome park is located for a judicial declaration of abandonment of the mobilehome. Copies of the petition shall be served upon the homeowner, any known registered owner, and any known person having a lien or security interest of record in the mobilehome by posting a copy on the mobilehome and mailing copies to those persons at their last known addresses by registered mail with a return receipt requested in the United States mail, postage prepaid.
- (d) (1) Hearing on the petition shall be given precedence over other matters on the court's calendar.
- (2) If, at the hearing, the petitioner shows by a preponderance of the evidence that the criteria for an abandoned mobilehome has been satisfied and no party establishes an interest therein at the hearing, the court shall enter a judgment of abandonment, determine the amount of charges to which the petitioner is entitled, and award attorney's fees and costs to the petitioner.
- (3) A default may be entered by the court clerk upon request of the petitioner, and a default judgment shall be thereupon entered, if no responsive pleading is filed within 15 days after service of the petition by mail.
- (e) (1) Within 10 days following a judgment of abandonment, the management shall enter the abandoned mobilehome and complete an inventory of the contents and submit the inventory to the court.
- (2) During this period the management shall post and mail notice of intent to sell the abandoned mobilehome and its contents under this section, and announcing the date of sale, in the same manner as provided for the notice of determination of abandonment under subdivision (b).
- (3) At any time prior to sale of a mobilehome under this section, any person having a right to possession of the mobilehome may

recover and remove it from the premises upon payment to the management of all rent or other charges due, including reasonable costs of storage and other costs awarded by the court. Upon receipt of this payment and removal of the mobilehome from the premises pursuant to this paragraph, the management shall immediately file an acknowledgment of satisfaction of judgment pursuant to Section 724.030 of the Code of Civil Procedure.

- (f) Following the judgment of abandonment, but not less than 10 days following the notice of sale specified in subdivision (e), the management may conduct a public sale of the abandoned mobilehome & its contents. The management may bid at the sale and shall have the right to offset its bids to the extent of the total amount due it under this section. The proceeds of the sale shall be retained by the management, but any unclaimed amount thus retained over and above the amount to which the management is entitled under this section shall be deemed abandoned property and shall be paid into the treasury of the county in which the sale took place within 30 days of the date of the sale. The former homeowner or any other owner may claim any or all of that unclaimed amount within one year from the date of payment to the county by making application to the county treasurer or other official designated by the county. If the county pays any or all of that unclaimed amount to a claimant, neither the county nor any officer or employee of the county is liable to any other claimant as to the amount paid.
- (g) Within 30 days of the date of the sale, the management shall submit to the court an accounting of the moneys received from the sale and the disposition of the money and the items contained in the inventory submitted to the court pursuant to subdivision (e).
- (h) The management shall provide the purchaser at the sale with a copy of the judgment of abandonment and evidence of the sale, as shall be specified by the State Department of Housing and Community Development or the Department of Motor Vehicles, which shall register title in the abandoned mobilehome to the purchaser upon presentation thereof. The sale shall pass title to the purchaser free of any prior interest, including any security interest or lien, except the lien provided for in Section 18116.1 of the Health & Safety Code, in the abandoned mobilehome.

(Amended by AB-743, Ch. 564 (1991), eff. 1/1/92)

ARTICLE 7. TRANSFER OF MOBILEHOME OR MOBILEHOME PARK

*** 798.70. "FOR SALE" SIGNS**

A homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person, may advertise the sale or exchange of his or her mobilehome, or, if not prohibited by the terms of an agreement with the management, may advertise the rental of his or her mobilehome, by displaying a sign in

the window of the mobilehome, or by a sign posted on the side of the mobilehome facing the street, or by a sign in front of the mobilehome facing the street, stating that the mobilehome is for sale or exchange or, if not prohibited, for rent by the owner of the mobilehome or his or her agent. Any such person also may display a sign conforming to these requirements indicating that the mobilehome is on display for an "open house," unless the park rules prohibit the display of an open house sign. The sign shall state the name, address, and telephone number of the owner of the mobilehome or his or her agent and the sign face shall not exceed 24 inches in width and 36 inches in height. Signs posted in front of a mobilehome pursuant to this section may be of an H-frame or A-frame design with the sign face perpendicular to, but not extending into, the street. Homeowners may attach to the sign or their mobilehome tubes or holders for leaflets which provide information on the mobilehome for sale, exchange, or rent shall not exceed 24 inches in width and 18 inches in height.

(Amended by SB-293, Ch. 329 (1993), eff. 1/1/94)

798.71. MANAGEMENT SHOWING OR LISTING - PROHIBITIONS

- (a) The management shall not show or list for sale a manufactured home or mobilehome without first obtaining the owner's written authorization. The authorization shall specify the terms and conditions regarding the showing or listing.
- (b) The management shall prohibit neither the listing nor the sale of a manufactured home or mobilehome within the park by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person other than the management, nor require the selling homeowner, or an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, to authorize the management to act as the agent in the sale of a manufactured home or mobilehome as a condition of management's approval of the buyer or prospective homeowner for residency in the park.

Nothing in this section shall be construed as affecting the provisions of the Health & Safety Code governing the licensing of manufactured home or mobilehome salespersons or dealers.

(Amended by Ch. 745 (1989), eff. 1/1/90)

798.72. NO TRANSFER OR SELLING FEE

- (a) The management shall not charge a homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person a transfer or selling fee as a condition of a sale of his mobilehome within a park unless the management performs a service in the sale. The

management shall not perform any such service in connection with the sale unless so requested, in writing, by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person.

- (b) The management shall not charge a prospective homeowner or his or her agent, upon purchase of a mobilehome, a fee as a condition of approval for residency in a park unless the management performs a specific service in the sale. The management shall not impose a fee, other than for a credit check in accordance with subdivision (b) of Section 798.74, for an interview of a prospective homeowner. (Amended by Ch. 745 (1989), eff. 1/1/90)

798.73. REMOVAL OF MOBILEHOME UPON THIRD PARTY SALE

The management shall not require the removal of a mobilehome from the park in the event of its sale to a third party during the term of the homeowner's rental agreement. However, in the event of a sale to a third party, in order to upgrade the quality of the park, the management may require that a mobilehome be removed from the park where:

- (a) It is not a "mobilehome" within the meaning of Section 798.3.
- (b) It is more than 20 years old, or more than 25 years old if manufactured after September 15, 1971, and is 20 feet wide or more, and the mobilehome does not comply with the health and safety standards provided in Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.
- (c) The mobilehome is more than 17 years old, or more than 25 years old if manufactured after September 15, 1971, and is less than 20 feet wide, and the mobilehome does not comply with the construction and safety standards under Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.
- (d) It is in a significantly run-down condition or in disrepair, as determined by the general condition of the mobilehome and its acceptability to the health and safety of the occupants and to the public, exclusive of its age. The management shall use reasonable discretion in determining the general condition of the mobilehome and its accessory structures. The management shall bear the burden of demonstrating that the mobilehome is in a significantly run-down condition or in disrepair.

(Amended by AB-932, Ch. 576 (1991), eff. 1/1/92)

798.74. MANAGEMENT APPROVAL OF BUYER; CREDIT RATING REFUND

- (a) The management may require the right of prior approval of a purchaser of a mobilehome that will remain in the park and that

the selling homeowner or his or her agent give notice of the sale to the management before the close of the sale. Approval cannot be withheld if the purchaser has the financial ability to pay the rent and charges of the park unless the management reasonably determines that, based on the purchaser's prior tenancies, he or she will not comply with the rules and regulations of the park. In determining whether the purchaser has the financial ability to pay the rent and charges of the park, the management shall not require the purchaser to submit copies of any personal income tax returns in order to obtain approval for residency in the park. However, management may require the purchaser to document the amount and source of his or her gross monthly income or means of financial support.

Upon request of any prospective homeowner who proposes to purchase a mobilehome that will remain in the park, management shall inform that person of the information management will require in order to determine if the person will be acceptable as a homeowner in the park.

Within 15 business days of receiving all of the information requested from the prospective homeowner, the management shall notify the seller and the prospective homeowner, in writing, of either acceptance or rejection of the application, and the reason if rejected. During this 15-day period the prospective homeowner shall comply with the management's request, if any, for a personal interview. If the approval of a prospective homeowner is withheld for any reason other than those stated in this article, the management or owner may be held liable for all damages proximately resulting therefrom.

- (b) If the management collects a fee or charge from a prospective purchaser of a mobilehome in order to obtain a financial report or credit rating, the full amount of the fee or charge shall be credited toward payment of the first month's rent for that mobilehome purchaser. If, for whatever reason, the prospective purchaser is rejected by the management, the management shall refund to the prospective purchaser the full amount of that fee or charge within 30 days from the date of rejection. If the prospective purchaser is approved by the management, but, for whatever reason, the prospective purchaser elects not to purchase the mobilehome, the management may retain the fee, or a portion thereof, to defray its administrative costs under this section.

(Amended by Ch. 645 (1990), eff. 1/1/91)

798.75. RENTAL AGREEMENT REQUIRED FOR PARK OCCUPANCY

- (a) An escrow, sale, or transfer agreement involving a mobilehome located in a park at the time of the sale, where the mobilehome is to remain in the park, shall contain a copy of either a fully executed rental agreement or a statement signed by the park's management and the prospective homeowner that the parties have agreed to the terms and conditions of a rental agreement.

- (b) In the event the purchaser fails to execute the rental agreement, the purchaser shall not have any rights of tenancy.
- (c) In the event that an occupant of a mobilehome has no rights of tenancy and is not otherwise entitled to occupy the mobilehome pursuant to this chapter, the occupant is considered an unlawful occupant if, after a demand is made for the surrender of the mobilehome park site, for a period of five days, the occupant refuses to surrender the site to the mobilehome park management. In the event the unlawful occupant fails to comply with the demand, the unlawful occupant shall be subject to the proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure.
- (d) The occupant of the mobilehome shall not be considered an unlawful occupant and shall not be subject to the provisions of subdivision (c) if all of the following conditions are present:
 - (1) The occupant is the registered owner of the mobilehome.
 - (2) The management has determined that the occupant has the financial ability to pay the rent and charges of the park, will comply with the rules and regulations of the park, based on the occupant's prior tenancies, and will comply with this article.
 - (3) The management failed or refused to offer the occupant a rental agreement.

(Amended by Ch. 645 (1990), eff. 1/1/91)

*** 798.76. SENIORS ONLY RESTRICTIONS**

The management may require that a prospective purchaser comply with any rule or regulation limiting residency ~~to adults~~, based on age requirements for housing for older persons, provided that the rule or regulation complies with the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations.

(Amended by AB-2244, Ch. 1277, Ch. 1277 (1993), eff.1/1/94)

798.77. NO WAIVER OF RIGHTS

No rental or sale agreement shall contain a provision by which the purchaser or homeowner waives his or her rights under this chapter. Any such waiver shall be deemed contrary to public policy and shall be void and unenforceable.

(Amended by Ch. 519 (1983), eff. 1/1/84)

798.78. RIGHTS OF HEIR OR JOINT TENANT OF OWNER

- (a) An heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death shall have the right to sell the mobilehome to a third party in accordance with the provisions of this article, but only if all the homeowner's responsibilities and liabilities to the management regarding rent, utilities, and reasonable maintenance of the mobilehome and its premises which

have arisen after the death of the homeowner have been satisfied as they have accrued pursuant to the rental agreement in effect at the time of the death of the homeowner up until the date the mobilehome is resold.

- (b) In the event that the heir, joint tenant, or personal representative of the estate does not satisfy the requirements of subdivision (a) with respect to the satisfaction of the homeowner's responsibilities and liabilities to the management which accrue pursuant to the rental agreement in effect at the time of the death of the homeowner, the management shall have the right to require the removal of the mobilehome from the park.
- (c) Prior to the sale of a mobilehome by an heir, joint tenant, or personal representative of the estate, that individual may replace the existing mobilehome with another mobilehome, either new or used, or repair the existing mobilehome so that the mobilehome to be sold complies with health and safety standards provided in Sections 18550, 18552, and 18605 of the Health and Safety Code, and the regulations established thereunder. In the event the mobilehome is to be replaced, the replacement mobilehome shall also meet current standards of the park as contained in the park's most recent written requirements issued to prospective homeowners.
- (d) In the event the heir, joint tenant, or personal representative of the estate desires to establish a tenancy in the park, that individual shall comply with those provisions of this article which identify the requirements for a prospective purchaser of a mobilehome that remains in the park.

(Amended by Ch. 745 (1989), eff. 1/1/90)

798.79. REPOSSESSION OF MOBILEHOME; SALE TO THIRD PARTY

- (a) Any legal owner or junior lienholder who forecloses on his or her security interest in a mobilehome located in a mobilehome park shall have the right to sell the mobilehome within the park to a third party in accordance with this article, but only if all the homeowner's responsibilities and liabilities to the management regarding rent, utilities, and reasonable maintenance of a mobilehome and its premises are satisfied by the foreclosing creditor as they accrue through the date the mobilehome is resold.
- (b) In the event the legal owner or junior lienholder has received from the management a copy of the notice of termination of tenancy for nonpayment of rent or other charges, the foreclosing creditor's right to sell the mobilehome within the park to a third party shall also be governed by Section 798.56a.

(Amended by AB-600, Ch. 190 (1991), eff. 1/1/92)

798.80. SALE OF PARK - NOTICE BY MANAGEMENT

- (a) Not less than 30 days nor more than one year prior to an owner of a mobilehome park entering into a written listing agreement with a licensed real estate broker, as defined in Article 1 (commencing with Section 10130) of Chapter 2 of Part 1 of Division 4 of the Business and Professions Code, for the sale of the park, or offering to sell the park to any party, the owner shall provide

written notice of his or her intention to sell the mobilehome park by first-class mail or by personal delivery to the president, secretary, and treasurer of any resident organization formed by homeowners in the mobilehome park as a nonprofit corporation, stock cooperative corporation, or other entity for purposes of converting the mobilehome park to condominium or stock cooperative ownership interests and for purchasing the mobilehome park from the management of the mobilehome park. An offer to sell a park shall not be construed as an offer under this subdivision unless it is initiated by the park owner or agent.

- (b) An owner of a mobilehome park shall not be required to comply with subdivision (a) unless the following conditions are met:
 - (1) The resident organization has first furnished the park owner or park manager a written notice of the name and address of the president, secretary, and treasurer of the resident organization to whom the notice of sale shall be given.
 - (2) The resident organization has first notified the park owner or manager in writing that the park residents are interested in purchasing the park. The initial notice by the resident organization shall be made prior to a written listing or offer to sell the park by the park owner, and the resident organization shall give subsequent notice once each year thereafter that the park residents are interested in purchasing the park.
 - (3) The resident organization has furnished the park owner or park manager a written notice, within five days, of any change in the name or address of the officers of the resident organization to whom the notice of sale shall be given.
- (c) Nothing in this section affects the validity of title to real property transferred in violation of this section, although a violation shall subject the seller to civil action pursuant to Article 8 (commencing with Section 798.84) by homeowner residents of the park or resident organization.
- (d) Nothing in this section affects the ability of a licensed real estate broker, as defined in Article 1 (commencing with Section 10130) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, to collect a commission pursuant to an executed contract between the broker and the mobilehome park owner.
- (e) Subdivision (a) does not apply to any of the following:
 - (1) Any sale or other transfer by a park owner who is a natural person to any relation specified in Section 6401 or 6402 of the Probate Code.
 - (2) Any transfer by gift, devise, or operation of law.
 - (3) Any transfer by a corporation to an affiliate. As used in this paragraph, "affiliate" means any shareholder of the transferring corporation, any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation, or any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation.
 - (4) Any transfer by a partnership to any of its partners.

- (5) Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a mobilehome park or any deed given in lieu of such a foreclosure.
- (6) Any sale or transfer between or among joint tenants or tenants in common owning a mobilehome park.
- (7) The purchase of a mobilehome park by a governmental entity under its powers of eminent domain.

(f) This section shall remain in effect only until January 1, 1995, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1995, deletes or extends that date. (Amended by Ch. 421 (1990), eff. 1/1/91)

798.81. LISTING OR SALES - PROHIBITIONS

The management 1) shall not prohibit the listing or sale of a used mobilehome within the park by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person other than the management, nor 2) require the selling homeowner to authorize the management to act as the agent in the sale of a mobilehome as a condition of approval of the buyer or prospective homeowner for residency in the park.

(Amended by Ch. 745 (1989), eff. 1/1/90)

ARTICLE 8. ACTIONS, PROCEEDINGS, AND PENALTIES

798.84. NOTICE OF LAWSUIT FOR FAILURE TO MAINTAIN

- (a) No action based upon the management's alleged failure to maintain the physical improvements in the common facilities in good working order or condition or alleged reduction of service may be commenced by a homeowner unless the management has been given at least 30 days' prior notice of the intention to commence the action.
- (b) The notice shall be in writing, signed by the homeowner or homeowners making the allegations, and shall notify the management of the basis of the claim, the specific allegations, and the remedies requested. A notice by one homeowner shall be deemed to be sufficient notice of the specific allegation to the management of the park by all of the homeowners in the park.
- (c) Notice may be served in the manner prescribed in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of the Code of Civil Procedure.
- (d) For purposes of this section, management shall be deemed to be notified of an alleged failure to maintain the physical improvements in the common facilities in good working order or condition or of an alleged reduction of services upon substantial compliance by the homeowner or homeowners with the provisions of subdivisions (b) and (c), or when management has been notified of the alleged failure to maintain or the alleged reduction of services by a state or local agency.

- (e) If the notice is served within 30 days of the expiration of the applicable statute of limitations, the time for the commencement of the action shall be extended 30 days from the service of the notice.
- (f) This section does not apply to actions for personal injury or wrongful death. (Enacted by Ch. 1592 (1988), eff. 1/1/89)

798.85. ATTORNEY'S FEES AND COSTS

In any action arising out of the provisions of this chapter the prevailing party shall be entitled to reasonable attorney's fees and costs. A party judgment is rendered in his or her favor or where the litigation is dismissed in his or her favor prior to or during the trial, unless the parties otherwise agree in the settlement or compromise.

(Amended by Ch. 519 (1983), eff. 1/1/84)

798.86. MANAGEMENT PENALTY FOR WILLFUL VIOLATION

In the event a homeowner or former homeowner of a park is the prevailing party in a civil action against the management to enforce his or her rights under the provisions of this chapter, the homeowner, in addition to damages afforded by law, may, in the discretion of the court, be awarded an amount not to exceed five hundred dollars (\$500) for each willful violation of those provisions by the management.

(Amended by Ch. 519 (1983), eff. 1/1/84)

798.87. PUBLIC NUISANCES AND ABATEMENT

- (a) The substantial failure of the management to provide and maintain physical improvements in the common facilities in good working order & condition shall be deemed a public nuisance. Notwithstanding Section 3491, such a nuisance may only be remedied by a civil action or abatement.
- (b) The substantial violation of a mobilehome park rule shall be deemed a public nuisance. Notwithstanding Section 3491, such a nuisance may only be remedied by a civil action or abatement.
- (c) A civil action pursuant to this section may be brought by a park resident, the park management, or in the name of the people of California by the district attorney or the city attorney of the jurisdiction in which the park is located.

(Amended by Ch. 1374 (1990), eff. 1/1/91)

798.88. INJUNCTION FOR VIOLATION OF PARK RULES

- (a) In addition to any right under Article 6 (commencing with Section 798.55) to terminate the tenancy of a homeowner, any person in violation of a reasonable rule or regulation of a mobilehome park may be enjoined from the violation as provided in this section.
- (b) A petition for an order enjoining a continuing or recurring violation of any reasonable rule or regulation of a mobilehome park may be filed by the management thereof with the superior court for the county in which the mobilehome park is located. At

the time of filing the petition, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527 of the Code of Civil Procedure. A temporary order restraining the violation may be granted, with notice, upon the petitioner's affidavit showing to the satisfaction of the court reasonable proof of a continuing or recurring violation of a rule or regulation of the mobilehome park by the named homeowner or resident and that great or irreparable harm would result to the management or other homeowners or residents of the park from continuance or recurrence of the violation.

- (c) A temporary restraining order granted pursuant to this subdivision shall be personally served upon the respondent homeowner or resident with the petition for injunction and notice of hearing thereon. The restraining order shall remain in effect for a period not to exceed 15 days, except as modified or sooner terminated by the court.
- (d) Within 15 days of filing the petition for an injunction, a hearing shall be held thereon. If the court, by clear and convincing evidence, finds the existence of a continuing or recurring violation of a reasonable rule or regulation of the mobilehome park, the court shall issue an injunction prohibiting the violation. The duration of the injunction shall not exceed three years.
- (e) However, not more than three months prior to the expiration of an injunction issued pursuant to this section, the management of the mobilehome park may petition under this section for a new injunction where there has been recurring or continuous violation of the injunction or there is a threat of future violation of the mobilehome park's rules upon termination of the injunction.
- (f) Nothing shall preclude a party to an action under this section from appearing through legal counsel or in propria persona.
- (g) The remedy provided by this section is non-exclusive and nothing in this section shall be construed to preclude or limit any rights the management of a mobilehome park may have to terminate a tenancy. (Added by SB-459, Ch. 270 (1991), eff. 1/1/92)

ARTICLE 9. SUBDIVISIONS, COOPERATIVES, AND CONDOMINIUMS

799. DEFINITIONS

As used in this article:

- (a) "Ownership or management" means the ownership or management of a subdivision, cooperative, or condominium for mobilehomes.
- (b) "Resident" means a person who maintains a residence in a subdivision, cooperative, or condominium for mobilehomes.
(Amended by Ch. 198 (1979), eff. 1/1/80)

799.1. ADVERTISING SALE OF HOME; "FOR SALE" SIGNS

A resident may advertise the sale or exchange of his or her mobilehome or, if not prohibited by the terms of an agreement with the management or ownership, may advertise the rental of his or her mobilehome by

displaying a sign in the window of his or her mobilehome stating that the mobilehome is for sale or exchange or, if not prohibited, for rent by the owner of the mobilehome or his or her agent. The sign shall state the name, address, and telephone number of the owner of the mobilehome or his or her agent, and may be at least 12 inches in width and 12 inches in length. (Amended by Ch. 519 (1983), eff. 1/1/84)

799.2. LISTING OR SHOWING OF HOME BY PARK MANAGEMENT

The ownership or management shall not show or list for sale a mobilehome owned by a resident without first obtaining the resident's written authorization. The authorization shall specify the terms and conditions regarding the showing or listing.

Nothing contained in this section shall be construed to affect the provisions of the Health and Safety Code governing the licensing of mobilehome salesmen. (Amended by Ch. 519 (1983), eff. 1/1/84)

799.3. REMOVAL OF MOBILEHOME UPON THIRD PARTY SALE

The ownership or management shall not require the removal of a mobilehome from a subdivision, cooperative, or condominium in the event of its sale to a third party.

(Amended by Ch. 198 (1979), eff. 1/1/80)

799.4. WITHHOLDING PRIOR APPROVAL OF PURCHASER

The ownership or management may require the right to prior approval of the purchaser of a mobilehome that will remain in the subdivision, cooperative or condominium for mobilehomes and that the selling resident or his or her agent give notice of the sale to the ownership or management before the close of the sale. Approval cannot be withheld if the purchaser has the financial ability to pay the fees and charges of the subdivision, cooperative or condominium unless the ownership or management reasonably determines that, based on the purchaser's prior residences, he or she will not comply with the rules & regulations of the subdivision, cooperative or condominium.

(Amended by Ch. 519 (1983), eff. 1/1/84)

*** 799.5. ADULTS ONLY RESTRICTIONS**

The ownership or management may require that a purchaser of a mobilehome ~~which~~ that will remain in the subdivision, cooperative, or condominium for mobilehomes, comply with any rule or regulation ~~limiting residence therein to adults only~~ residency based on age requirements for housing for older persons, provided that the rule or regulation complies with the provisions of the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations.

(Amended by AB-2244, Ch. 1277 (1993), eff. 1/1/94)

799.6. NO WAIVER OF RIGHTS

No agreement shall contain any provision by which the purchaser waives his or her rights under the provision of this article. Any such waiver shall be deemed contrary to public policy and void and unenforceable. (Amended by Ch. 519 (1983), eff. 1/1/84)

799.7. NOTICE OF UTILITY INTERRUPTION

The ownership or management shall provide, by posting notice on the mobilehomes of all affected homeowners and residents, at least 72 hours' written advance notice of an interruption in utility service of more than 2 hours for the maintenance, repair or replacement of facilities of utility systems over which the management has control within the subdivision, cooperative, or condominium, provided that the interruption is not due to an emergency. The ownership or management shall be liable only for actual damages sustained by a homeowner or resident for violation of this section.

"Emergency," for the purposes of this section, means the interruption of utility service resulting from an accident or act of nature, or cessation of service caused by other than the management's regular or planned maintenance, repair, or replacement of utility facilities.

(Enacted by SB-1389, Ch. 317 (1992), eff. 1/1/93)

"CALIFORNIA ELECTIONS CODE"**1638.7. MOBILEHOME POLLING PLACE**

A mobilehome may be used as a polling place if the county clerk determines that no other facilities are available for the convenient exercise of voting rights by mobilehome park residents and the mobilehome is designated as a polling place by the county clerk pursuant to Section 1638. No rental agreement shall prohibit the use of a mobilehome for those purposes. (Enacted by Ch. 197 (1989), eff. 1/1/90)

**THE RECREATIONAL VEHICLE PARK OCCUPANCY LAW
CHAPTER 2.6 OF THE CALIFORNIA CIVIL CODE****ARTICLE 1. DEFINITIONS****799.20. TITLE OF CHAPTER**

This chapter shall be known and may be cited as the "Recreational Vehicle Park Occupancy Law."

(Enacted by Ch. 1185 (1979), eff. 1/1/80)

799.21. APPLICATION OF DEFINITIONS

Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter.

(Enacted by Ch. 1185 (1979), eff. 1/1/80)

799.22. DEFINITION OF DEFAULTING OCCUPANT

"Defaulting occupant" means 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. (Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.23. DEFINITION OF DEFAULTING RESIDENT

"Defaulting resident" means a resident who fails to pay for his or her occupancy in a park, fails to comply with reasonable written rules and regulations of the park given to the resident upon registration or during the term of his or her occupancy in the park, or who violates any of the provisions contained in Article 5 (commencing with Section 799.70). (Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.24. DEFINITION OF DEFAULTING TENANT

"Defaulting tenant" means a tenant who fails to pay for his or her occupancy in a park or fails to comply with reasonable written rules and regulations of the park given to the person upon registration or during the term of his or her occupancy in the park.

(Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.25. DEFINITION OF GUEST

"Guest" means a person who is lawfully occupying a recreational vehicle located in a park but who is not an occupant, tenant, or resident. An occupant, tenant, or resident shall be responsible for the actions of his or her guests.

(Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.26. DEFINITION OF MANAGEMENT

"Management" means the owner of a recreational vehicle park or an agent or representative authorized to act on his or her behalf in connection with matters relating to the park.

(Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.27. DEFINITION OF OCCUPANCY

"Occupancy" and "occupy" refer to the use of a recreational vehicle park lot by an occupant, tenant, or resident.

(Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.28. DEFINITION OF OCCUPANT

"Occupant" means the owner or operator of a recreational vehicle who has occupied a lot in a park for thirty (30) days or less.

(Amended by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.29. DEFINITION OF RV

"Recreational vehicle" has the same meaning as defined in Section 18010 of the Health and Safety Code.

(Amended by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.30. DEFINITION OF RV PARK

"Recreational vehicle park" or "park" has the same meaning as defined in Section 18215 of the Health and Safety Code.

(Amended by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.31. DEFINITION OF RESIDENT

"Resident" means a tenant who has occupied a lot in a park for nine (9) months or more.

(Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.32. DEFINITION OF TENANT

"Tenant" means the owner or operator of a recreational vehicle who has occupied a lot in a park for more than thirty (30) consecutive days.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

ARTICLE 2. GENERAL PROVISIONS**799.40. CUMULATIVE RIGHTS**

The rights created by this chapter shall be cumulative and in addition to any other legal rights the management of a park may have against a defaulting occupant, tenant, or resident, or that an occupant, tenant, or resident may have against the management of a park.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.41. NOT APPLICABLE TO MOBILEHOMES

Nothing in this chapter shall apply to a mobilehome as defined in Section 18008 of the Health and Safety Code or to a manufactured home as defined in Section 18007 of the Health and Safety Code.

(Added of AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.42. NO WAIVER OF RIGHTS

No occupant registration agreement or tenant rental agreement shall contain a provision by which the occupant or tenant waives his or her rights under the provisions of this chapter, and any waiver of these rights shall be deemed contrary to public policy and void.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.43. REGISTRATION AGREEMENT

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.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.44. RULES AND REGULATIONS

At the time of registration, an occupant shall be given a copy of the rules and regulations of the park.

(Added of AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.45. RENTAL AGREEMENT OPTIONAL

The management may offer a rental agreement to an occupant of the park who intends to remain in the park for a period in excess of 30 consecutive days. (Amended by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.46. SIGN REQUIREMENT/REASONS FOR RV REMOVAL

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 management from additionally displaying the sign in other locations within the park.

(Amended by AB-3074, Ch. 310, 1992, eff. 1/1/93)

ARTICLE 3. DEFAULTING OCCUPANTS**799.55. 72-HOUR NOTICE**

As a prerequisite to the right of management to have a defaulting occupant's recreational vehicle removed from the lot which is the subject of the registration agreement between the park and the occupant pursuant to Section 799.57, the management shall serve a 72-hour written notice as prescribed in Section 799.56. A defaulting occupant may correct his or her payment deficiency within the 72-hour period during normal business hours.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.56. 72-HOUR NOTICE TO DEFAULTING OCCUPANT

- (a) The 72-hour written notice shall be served by delivering a copy to the defaulting occupant personally or to a person of suitable age and discretion who is occupying the recreational vehicle located on the lot. In the latter event, a copy of the notice shall also be affixed in a conspicuous place on the recreational vehicle and shall be sent through the mail addressed to the occupant at the place where the property is located and, if available, any other address which the occupant has provided to management in the registration agreement. Delivery of the 72-hour notice to a defaulting occupant who is incapable of removing the occupant's recreational vehicle from the park because of a physical incapacity shall not be sufficient to satisfy the requirements of this section.
- (b) In the event that the defaulting occupant is incapable of removing the occupant's recreational vehicle from the park because of a physical incapacity or because the recreational vehicle is not motorized and cannot be moved by the occupant's vehicle, the default shall be cured within 72 hours, but the date to quit shall be no less than seven days after service of the notice.

- (c) The management shall also serve a copy of the notice to the city police if the park is located in a city, or, if the park is located in an unincorporated area, to the county sheriff.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.57. NOTICE OF RV REMOVAL

The written 72-hour notice shall state that if the defaulting occupant does not remove the recreational vehicle from the premises of the park within 72 hours after receipt of the notice, the management has authority pursuant to Section 799.58 to have the recreational vehicle removed from the lot to the nearest secured storage facility.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.58. RV REMOVAL/NOTICE TO SHERIFF

Subsequent to serving a copy of the notice specified in this article to the city police or county sheriff, whichever is appropriate, and after the expiration of 72 hours following service of the notice on the defaulting occupant, the police or sheriff, shall remove or cause to be removed any person in the recreational vehicle. The management may then remove or cause the removal of a defaulting occupant's recreational vehicle parked on the premises of the park to the nearest secured storage facility. The notice shall be void seven days after the date of service of the notice.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.59. REASONABLE CARE IN RV REMOVAL

When the management removes or causes the removal of a defaulting occupant's recreational vehicle, the management and the individual or entity that removes the recreational vehicle shall exercise reasonable and ordinary care in removing the recreational vehicle to the storage area. (Added, AB-3074, Ch. 310, 1992, eff. 1/1/93)

ARTICLE 4. DEFAULTING TENANTS

799.65. FIVE DAYS TO PAY DUE RENT/THREE-DAY NOTICE TO VACATE

The management may terminate the tenancy of a defaulting tenant for nonpayment of rent, utilities, or reasonable incidental service charges, provided the amount due shall have been unpaid for a period of five days from its due date, and provided the tenant has been given a three-day written notice subsequent to that five-day period to pay the total amount due or to vacate the park. For purposes of this section, the five-day period does not include the date the payment is due. The three-day notice shall be given to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure. Any payment of the total charges due, prior to the expiration of the three-day period, shall cure any default of the tenant. In the event the tenant does not pay prior to the expiration of the three-day

notice period, the tenant shall remain liable for all payments due up until the time the tenancy is vacated.

(Added by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.66. THIRTY DAYS' NOTICE OF TERMINATION

The management may terminate or refuse to renew the right of occupancy of a defaulting tenant for other than nonpayment of rent or other charges upon the giving of a written notice to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the recreational vehicle from the park. The notice need not state the cause for termination but shall provide not less than thirty days' notice of termination of tenancy.

(Added by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.67. EVICTION PROCEDURES

Eviictions pursuant to this article shall be subject to the requirements set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, except as otherwise provided in this article.

(Added by AB-3074, Ch. 310 (1992), eff. 1/1/93)

ARTICLE 5. DEFAULTING RESIDENTS

799.70. TERMINATION OF TENANCY/NOTICE

The management may terminate or refuse to renew the right of occupancy of a defaulting resident upon the giving of a written notice to the defaulting resident in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the recreational vehicle from the park. This notice shall provide not less than 60 days' notice of termination of the right of occupancy and shall specify one of the following reasons for the termination of the right of occupancy:

- (a) Nonpayment of rent, utilities, or reasonable incidental service charges; provided, that the amount due has been unpaid for a period of five days from its due date, and provided that the resident shall be given a three-day written notice subsequent to that five-day period to pay the total amount due or to vacate the park. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day notice shall be given to the resident in the manner prescribed by Section 1162 of the Code of Civil Procedure. The three-day notice may be given at the same time as the 60-day notice required for termination of the right of occupancy; provided, however, that any payment of the total charges due, prior to the expiration of the three-day period, shall cure any default of the resident. In the event the resident does not pay prior to the expiration of the three-day notice period, the resident shall remain liable for all payments due up until the time the tenancy is vacated.

- (b) Failure of the resident to comply with a local ordinance or state law or regulation relating to the recreational vehicle park or recreational vehicles within a reasonable time after the resident or the management receives a notice of noncompliance from the appropriate governmental agency and the resident has been provided with a copy of that notice.
- (c) Conduct by the resident or guest, upon the park premises, which constitutes a substantial annoyance to other occupants, tenants, or residents.
- (d) Conviction of the resident of prostitution, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the park, including, but not limited to, within the resident's recreational vehicle. However, the right of occupancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the recreational vehicle.
- (e) Failure of the resident or a guest to comply with a rule or regulation of the park which is part of the rental agreement or any amendment thereto. No act or omission of the resident or guest shall constitute a failure to comply with a rule or regulation unless the resident has been notified in writing of the violation & has failed to correct the violation within seven days of the issuance of the written notification.
- (f) Condemnation of the park.
- (g) Change of use of the park or any portion thereof.
(Added by AB-3074, Ch. 310 (1992), eff. 1/1/93)

799.71. EVICTION PROCEDURES

Evictions pursuant to this article shall be subject to the requirements set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, except as otherwise provided in this article. (Added by AB-3074, Ch. 310 (1992), eff. 1/1/93)

ARTICLE 6. LIENS FOR RV'S AND ABANDONED POSSESSIONS

799.75. UPON DEFAULT/CIVIL CODE PROCEDURE

The management shall have a lien upon the recreational vehicle and the contents therein for the proper charges due from a defaulting occupant, tenant, or resident. Such a lien shall be identical to that authorized by Section 1861, and shall be enforced as provided by Sections 1861 to 1861.28, inclusive. Disposition of any possessions abandoned by an occupant, tenant, or resident at a park shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3.

(Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

ARTICLE 7. ACTIONS AND PROCEEDINGS**799.78. ATTORNEY'S FEES AND COSTS**

In any action arising out of the provisions of this chapter, the prevailing party shall be entitled to reasonable attorney's fees and costs. A party shall be deemed a prevailing party for the purposes of this section if the judgment is rendered in his or her favor or where the litigation is dismissed in his or her favor prior to or during the trial, unless the parties otherwise agree in the settlement or compromise. (Added by AB-3074, Ch. 310, 1992, eff. 1/1/93)

799.79. \$500 DAMAGES/WILLFUL VIOLATIONS BY MANAGEMENT

In the event that an occupant, tenant, or resident or a former occupant, tenant, or resident is the prevailing party in a civil action against the management to enforce his or her rights under this chapter, the occupant, tenant, or resident, in addition to damages afforded by law, may, in the discretion of the court, be awarded an amount not to exceed five hundred dollars (\$500) for each willful violation of any provision of this chapter by the management.

(Added by AB-3074, Ch. 310, 1992, eff.1/1/93)
