



SENATE SELECT COMMITTEE
ON
MOBILEHOMES

**Transcript of Hearing
on
Title 25 Revisions-
Mobilehome and RV Parks**

February 28, 1984
Sacramento, California
State Capitol

Chairman: Senator William A. Craven
Members: Senator Paul Carpenter
Senator Ray Johnson
Senator Henry Mello
Senator Robert Presley

WILLIAM A. CRAVEN
CHAIRMAN
PAUL CARPENTER
RAY JOHNSON
HENRY MELLO
ROBERT PRESLEY

California Legislature

COMMITTEE ADDRESS
1100 J STREET
ROOM 511
SACRAMENTO, CA 95814
(916) 324-4282

COMMITTEE CONSULTANT
JOHN G. TENNYSON
COMMITTEE SECRETARY
MICKEY BAILEY

Senate Select Committee on Mobilehomes

SENATOR WILLIAM A. CRAVEN
CHAIRMAN

TRANSCRIPT OF HEARING

ON

TITLE 25 REVISIONS -
MOBILEHOME AND RV PARKS

FEBRUARY 28, 1984

STATE CAPITOL
SACRAMENTO, CALIFORNIA



I.

TABLE OF CONTENTS

	<u>Page</u>
I. TABLE OF CONTENTS	i
II. LIST OF WITNESSES	ii
III. BACKGROUND PAPER	iii
IV. TESTIMONY	iv
(a) Opening Statement of Senator William A. Craven	1 - 2
(b) Testimony of Witnesses before the Committee	2 - 52
V. SUMMARY	v

II.

LIST OF WITNESSES

	<u>Page</u>
CRAIG BIDDLE	2 - 14
NORM McADOO	4 - 14
JOHN IMLER	9 - 14
BARRY WHITTLESEY	14 - 16
TRAVIS PITTS	16 - 23
LINDA STOCKDALE BREWER	24 - 42
BUD STARR	28 - 42
MAURICE PRIEST	42 - 44
CHRIS PETRAKOS	44 - 52

III.

BACKGROUND PAPER

WILLIAM A. CRAVEN
CHAIRMAN
PAUL CARPENTER
RAY JOHNSON
HENRY MELLO
ROBERT PRESLEY

California Legislature

COMMITTEE ADDRESS
1100 J STREET
ROOM 511
SACRAMENTO, CA 95814
(916) 324-4282
COMMITTEE CONSULTANT
JOHN G. TENNYSON
COMMITTEE SECRETARY
MICKEY BAILEY



Senate Select Committee on Mobilehomes

SENATOR WILLIAM A. CRAVEN
CHAIRMAN

BACKGROUND PAPER

TITLE 25 REVISIONS AFFECTING
MOBILEHOME PARKS AND RV PARKS

HEARING

FEBRUARY 28, 1984

WHAT IS TITLE 25?

Title 25 of the California Administrative Code comprises the state's regulatory authority for housing in California, governing a wide range of issues from earthquake protection to housing assistance programs. Chapter 2 of Title 25 is the Mobilehome Parks Act, the mechanism for the implementation of state Health and Safety Code requirements for the construction, use, maintenance and occupancy of mobilehome parks and recreational vehicle parks, including building standards therefor.

SUMMARY OF THE PROBLEM

The Department of Housing and Community Development (HCD), which administers Title 25, is in the process of revising

building standards for mobilehome parks and recreational vehicle parks and transferring them from Title 25 to Title 24.

Park owner representatives contend that HCD's actions in revising building standards, specifically electrical, plumbing, and gas facility requirements, for these parks to make them comply with the more rigid standards of the State Building Standards Law, will significantly increase the costs of developing and maintaining such parks..

Additionally, park operators are concerned that the deletion of such standards from Title 25 and their relocation to other codes will create more duplication in the administration of these provisions and thus more confusion for the industry in terms of not having a single-source document to guide them in complying with the law's requirements.

Representatives of the Department of Housing and Community Development have indicated to the committee that they have no choice in making the changes in question, as such changes are part and parcel of two bills from the 1979 legislative session, AB 1111 (McCarthy) and SB 331 (Robbins).

AB 1111 and SB 331

AB 1111, Chapter 567 of the Statutes of 1979, created a new independent agency, the Office of Administrative Law (OAL), with the task of serving as a clearinghouse to avoid duplication and inconsistency in state administrative regulations.

Part of OAL's original mandate was the review of existing regulations under a five-year schedule, where all state agencies

were to submit plans for revisions of such regulations in accordance with legislative guidelines requiring "consistency, clarity, and non-duplication."

SB 331, Chapter 1152 of the Statutes of 1979, enacted the State Building Standards Law, expanding the authority of the State Building Standards Commission to require any state department or agency to adopt rules and regulations with respect to building standards which, among other things, do not conflict with, overlap, or duplicate other building standards. Specifically, Section 18940 of the Health and Safety Code, enacted by SB 331, requires that all building standards be printed exclusively in Title 24, the State Building Standards Code.

Although the provisions of SB 331 specifically exempt mobilehomes and recreational vehicles, per se, there is no such exemption for mobilehome parks or recreational vehicle parks.

TWO ISSUES

There are basically two issues:

1) Revision of Mobilehome Park/RV Park Building Standards:

Standards have been developed over a number of years for the operation and maintenance of mobilehome parks, including building standard requirements for such parks, interpreted by HCD to include electrical, gas and plumbing facilities. Present standards for such facilities in parks are less demanding than

for other kinds of building developments, presumably due to their less intensive or more transient use.

For example, existing standards do not require as large an ampere capacity for electrical transformers or wiring, gas pipes or meters may be smaller, and pipe size for both sewer and water need not be as large as for conventional housing facilities.

HCD interprets SB 331 to require such building standards for parks to be beefed up in accordance with the standards of the State Building Standards Law, and hence the transfer of such standards for mobilehome and recreational vehicle parks to the more encompassing Title 24. The new standards would be effective for parks newly constructed after January 1, 1985, but where any major change is made in electrical, plumbing or gas equipment or facilities in existing parks, upgrading to new standards may also be required.

2) Transfer of Regulations from Title 25 to Title 24:

The avowed purpose of transferring building code requirements for mobilehome parks and RV parks to Title 24 is to comply with the requirements of both AB 1111 and SB 331, so that all building standards can be found in one code, Title 24, rather than being duplicated in Title 25 or other codes.

But park owners and operators say they have utilized Title 25 as their "Bible" or guideline for operating in accordance with the law's requirements for years. Since other

provisions of law dealing with mobilehome parks and RV parks, such as space requirements and other non-building standard requirements will remain in Title 25, park owners contend they will be detrimentally affected by having to refer to a multitude of different reference sources, rather than a single source, i.e. Title 25. Hence, their concern is that, in an attempt to simplify or reorganize building standards, the state is making provisions for mobilehome and RV parks, in their view, actually more complex and difficult to find.

REGULATIONS' GUIDEBOOK OR "USER MANUAL"

As a result of a series of meetings among industry representatives and the Department of Housing and Community Development, HCD has proposed a "User Manual" for the industry which would assemble the various regulations of different codes affecting the industry in one reference document. Specifically, the "User Manual" would include excerpts from the Health and Safety Code, Title 24, Title 25, as well as the Civil and Government Codes. Material would be reproduced by the Publications Section of the Office of Documents and Publications and available from that office to interested members of the public and industry at a nominal cost.

Industry representatives contend that although the publication of a "User Manual" would be helpful, HCD has not made a commitment to prioritize the assembly of the guide. A letter from the HCD Director to the California Travel Parks Association, dated August 31, 1983, indicates that such a manual would be

produced by staff only "as time and resources are available...".

Representatives of the Department have, however, indicated to staff of this committee that HCD is committed to publication of such a manual with the assistance of the industry in putting it together.

EXEMPTION OF MOBILEHOME PARKS FROM BUILDING CODE REQUIREMENTS

The issue of building code requirements for mobilehome parks would envision the imposition of higher costs in the construction and maintenance of such parks after January 1, 1985.

New legislation in the form of AB 3022 (Nolan) would exempt mobilehome parks from building code requirements on the theory that mobilehome parks are different than other forms of housing developments and mobilehomes are already excluded from such standards. The bill has an urgency clause.

#

IV.

TESTIMONY

SENATOR CRAVEN: The meeting will come to order, and I guess we can dispense with the roll call since I'm the only one present. The other Senators are involved with other committees or chairing other meetings, as is Senator Mello with the Committee on the Arts, of which I happen to be a member but I'm here and he's there so that eliminates him. Senator Ray Johnson I haven't heard from yet so he may arrive any time. So let's just begin.

Our introductory comments today will be very brief. As we understand the problem brought to our attention by representatives of both the mobilehome park industry and recreational vehicle park operators, building standards for those parks, which have been part and parcel of Title 25 of the California Administrative Code for many years, will soon be revised and shifted to the Building Standards Code, Title 24.

There are basically two concerns:

1) Revisions of the standards themselves, with the prospect that the stiffer standards will reflect not only higher costs for owners and operators, but users and tenants as well;

2) The problem of splitting the historical authority over mobilehome parks and RV parks between two or more codes, again placing a greater burden on the industry in terms of keeping up with regulations affecting their industry and changes thereto.

Although there have been a variety of informal meetings between the Department of Housing and Community Development and

industry representatives on this problem, the purpose of this hearing is an open hearing to get your input. We want to see what kind of suggestions we can come up with, hopefully, to resolve these problems to the mutual satisfaction of all concerned. So without any further delay, I would ask the representatives of the Western Mobilehome Association, representing the mobilehome parks, and the California Travel Parks Association, for the RV parks, to step forward and state your case.

I'd ask, since we are recording for a later transcription of the proceedings, that when you do approach the microphone, you state your name and then your position, for the record.

CRAIG BIDDLE: Thank you, Mr. Chairman, other members and staff. I'm Craig Biddle, representing the Western Mobilehome Association, and as you know our association represents the managers and the developers of mobilehome parks throughout the State of California. At the outset, just let me say that I think Mr. Tennyson's background paper is a very good paper on this subject matter. It is a little bit complicated and sometimes we have a tendency to assume that everyone knows what's going on in our industry and what Title 25 is and Title 24, and we have little buzz words; and I think Mr. Tennyson has done a very good job of explaining this and setting forth the issues.

I have with me today Norm McAdoo, who is a developer of mobilehome parks throughout the state, and he will make some

specific comments on Title 25, but let me just say by way of introduction that we, our association, has been working with different representatives from HCD during the last year trying to solve this problem. I think their cooperation has been very good. We have worked with them and had several meetings during the last year trying to resolve this problem, which really came about through legislation that they weren't involved with nor any members of this committee, a couple of years ago in an attempt to streamline the Administrative Code. At the time those bills went through, Speaker McCarthy's bill and Senator Robbins' bill, we didn't really concern ourselves very much about our association because we were watching it from the standpoint of streamlining the codes, and we agreed with that.

Then we suddenly found after it went through that we were caught in this Catch-22 where we worked out Title 25. This has taken care of us over the years. It's been some 20 years, I think, hasn't it, Mr. McAdoo? I think he's done it for some 20 years. We finally worked out this document. Now we find we are going to be splintered into several documents and so forth. When we presented this issue, or the problem, to HCD representatives last year, their final response to us was that there wasn't anything they could do about it; their hands were tied. Those two pieces of legislation passed; they were law; and they were responding to those bills. So our solution, if you want to call it that, is to answer their responses by the introduction of a bill, which is mentioned in your analysis, which is the bill that Pat Nolan is carrying for us that we are sponsoring, which is AB 3022. This would specifically exempt us statutorily

from that law and would keep us over in Title 25. That's our solution to the problem. I'm not sure whether it will be received from this committee philosophically or whether it will be received by the Legislature. We are very hopeful though that we'll be able to pass AB 3022.

SENATOR CRAVEN: We receive everything philosophically.

MR. BIDDLE: More and more as you get older, I've noticed, Senator. You get more philosophical.

SENATOR CRAVEN: Well, since I have a few years on you, I'm even more philosophical.

MR. BIDDLE: Let me turn this over now to Mr. McAdoo to give you some specific examples and the types of things you deal with not only in the development of mobilehome parks, but the changes in mobilehome parks as you are making structural changes. I know he has developed many mobilehome parks throughout the state, the most recent one down in the Corona area in Riverside County, and some of the problems he has encountered in Title 25, and why we feel the need to keep this all in one document. Then I'll have a few comments after he is through.

SENATOR CRAVEN: Nice to have you here with us today, Craig. We appreciate your being here.

NORM McADOO: As you probably know, prior to 1961 we had probably 400 different ordinances affecting the development of mobilehome parks across the state, and it became really an untenable situation. Something that was legal here, across the street wasn't legal. So in 1961 we asked the state to preempt local government in the construction and maintenance

of a mobilehome park. For many years we looked to the Legislature for a lot of our nuts and bolts things. As the industry experienced growing pains and new technologies, we couldn't change rapidly enough under that procedure so the industry voluntarily gave that authority to the Department of Housing, and now we can change in a relatively short time through the administrative procedure and keep current with the modern technologies. I think the most important thing is the local enforcement agencies throughout the state that are enforcing the state code. I see these people coming into our parks carrying this book because we are special, and they can find everything they need in this book. Now if they have to go to the plumbing code and the electric code and the building code and Title 24, they will come in there with volumes of books. Also it is important to the residents. The residents can understand this book. Roy Smart and Travis and the people in the Department have done an excellent job developing this for everyone. It's easy to find things. Every subject is covered, and I don't think that Senator Robbins had in mind at all - or the State of California - of working a hardship on industry when they decided to clean up paper, and I agree with what they were trying to do. I think we just got caught in a bad spot.

SENATOR CRAVEN: As I recall, there has been a suggestion proffered which comes from the departments involved saying they would do extracts and then compile them and, in effect, come up with another new manual of those things pertinent to the mobilehome existence or life or building codes or what have you. Have you heard anything about that?

MR. McADOO: I have heard that, and I think it's a waste of money.

SENATOR CRAVEN: Do you?

MR. McADOO: That's what we have now. Why throw this away and start over?

SENATOR CRAVEN: Well, I presume their thought is that there will be changes made and those new changes will be incorporated, but you feel it is a duplicative effort.

MR. McADOO: I really do. You know, we are - I sometimes hate it, but our industry is special.

SENATOR CRAVEN: Yes, it is.

MR. McADOO: You know we have four pages of Civil Code, which is special. The mobilehome itself, the structure is exempted from the building standards code.

SENATOR CRAVEN: Yes.

MR. McADOO: So it's logical that the parks where those mobilehomes are located should also be exempted from those same codes, and these same codes which we have developed through many, many years are workable. A new park built today under this code works very well. The utilities work well; the spacing works well; everything works fine and everybody knows how to do it.

SENATOR CRAVEN: I see.

MR. McADOO: So let's don't reinvent the wheel.

SENATOR CRAVEN: Well, I think that's very well stated. Do we have another gentleman who wishes to say something?

MR. BIDDLE: Senator Craven, before I turn over the microphone to the other witness - as I know you are very

familiar - in the Civil Code we in the mobilehome park industry are treated separately. We have the Mobilehome Residency Law; we are unique. You know you have conventional housing over here, and you have apartments over here, then there is the mobilehome industry which is in the middle.

SENATOR CRAVEN: Yes.

MR. BIDDLE: We've done this in the Civil Code; we've done it in many places in the law, and what we are suggesting also is that we do this also in Title 25; let's have a unique section. That's what we have done in Title 25. Today, Title 25 covers mobilehomes, but mobilehome parks are going to be over in Title 24. It really isn't logical why we do this. You should have one document that is going to talk about mobilehomes, mobilehome parks, we're going to get into RV's, recreational vehicles, and that really should be one document where everybody could go look at it. You mentioned the User's Manual, and the Department has discussed this with us. That's going to be, now, an administrative decision and somebody is going to go over and say, "Now I think Section 6 ought to come out of Title 24 and we ought to put this in the User's Manual." It's going to be a judgment decision whether they are going to do this or not. Maybe it's right; maybe it's not. A User's Manual is not only an added cost, as Norm said, there are going to be some administrative decisions that are going to have to be made as to what we put in the User's Manual and what we don't put in that Manual, and then keeping it up to date. It just seems you have Title 25; it's there; let's just keep going with it. And it's consistent,

I think, with the treatment that the Legislature has said that the mobilehome park industry will be treated differently, and let's treat it that way.

SENATOR CRAVEN: Do you feel, in all charity, that there is any real demonstrable need for changes that are contemplated?

MR. BIDDLE: In Title 25?

SENATOR CRAVEN: Well, in the regulation. . .

MR. BIDDLE: There are some, I would confess, that are duplicative. We have a tendency to repeat several times the same type of thing, and that was part of the AB 1111 theory: let's get rid of the duplication language, and I think some of those - as far as major substances are concerned, no, I don't think there is a necessity, just a little minor change here and a minor change there.

MR. McADOO: I think you'd find our costs for building a park would go up if we were under Title 24.

SENATOR CRAVEN: Considerably?

MR. McADOO: Oh, yes. You know, the sewer lines would be bigger; our wiring would be heavier, everything would be beefed up a little more, and we are getting along fine without that.

SENATOR CRAVEN: You see, that's basically what I was referring to, Norm. In other words, has there been a situation in any part of our operation throughout the state wherein the present standards have been proven to be inadequate to do the job for which they are intended? I am unaware of any such

problems, but perhaps they are just reacting to legislation which, I guess, they will say.

MR. McADOO: Not under today's standards. Some of the parks which are 25 years old had a few problems, if they are trying to take today's home.

SENATOR CRAVEN: Yes.

MR. McADOO: But the standards as they exist today, adequate electrical energy, and that, was the problem with the older parks; but through working with the Department, we've been able to upgrade those things as they need to be done.

SENATOR CRAVEN: I see.

MR. McADOO: And rapidly.

SENATOR CRAVEN: Thank you. Next?

JOHN IMLER: I'm John Imler with the California Travel Parks Association. I would just like to add my agreement with the things that have already been said. I think, to our people, it is somewhat of a frustration. Most of our people are small business people. They are not financially able to always hire engineers and accountants to dig out of several various and sundry codes just how they are to operate or how to build a park. And one of the advantages of the document under which we've been operating is the fact that a pretty sensible individual can build a park and operate it basically on the things that are easy to find there. The maintenance structure is well spelled out there, and I think this is extremely important. Another thing that bothers me is that we have a tendency for local government, where they feel there is a dearth of new rules or

regulations, to rush in with their own, and current I think it is very important to both the mobilehome industry and the RV industry that we have consistency throughout the state, perhaps more so in our industry than in the mobilehome parks because of the transient element of people moving from one part of the state to another. And we've already seen some indication of where there is a tendency of local government to feel that there is nothing there because our section will be totally gutted.

There will be nothing left in the special occupancy park section, basically, and it just opens up a whole new realm of possibilities of having a lot of locals come in and try to establish regulations that are really in conflict with the state code because it appears there is nothing there in our section. We look upon this as a possible serious problem from our standpoint. I would certainly agree with Norm that I think the parks and the operation of the parks, the installation of mobilehomes - I happen to operate both so I've had a little experience from both standpoints - have gone very well. I think the document we have now has been developed by the industry and by the Department working together, and I think we have a good document. The idea of coming up with a User's Guide, to me, looks to be the very thing the law originally set out to undo. It certainly will be more costly to develop that type of thing, and it will be much harder and much more difficult for the park operator to use.

SENATOR CRAVEN: Thank you, John. I'll ask a question of our consultant. John, has the Office of Administrative Law been involved with this point?

JOHN TENNYSON: I believe there are representatives from the Office of Administrative Law here today that can speak to that, but basically their role has been rather minimal in the sense that it has been the Department of Housing and Community Development operating from the mandate of both, I suppose, AB 1111 and SB 331, revising the regulations and transferring them to Title 24.

SENATOR CRAVEN: So, basically, the action springs from the legislative source and would that preclude their review of the efficacy of that legislation?

MR. TENNYSON: No, it wouldn't preclude their review. I'm not sure that they feel they have a - probably that would be best left to a representative of OAL to answer.

SENATOR CRAVEN: Do we have a representative of OAL? (response from audience). Oh, fine. Very well. Well, we will just hold that until you give us the benefit of your views.

MR. BIDDLE: Would they review the Nolan bill? Is that the question?

SENATOR CRAVEN: No, I'm talking about that of the past, which has triggered this.

MR. BIDDLE: I see. Today, under the building standards section, there are a whole bunch of things that are exempt in the statutes. What our bill does is add mobilehome parks. It would be another thing that is exempt, so if that bill passes, we would by definition not be included within Title 24 so I don't think there would be anything for them to review. If, on the other hand, we did not pass the Nolan bill, yes, I think they definitely would be involved with the entire question.

MR. McADOO: One other thing I think you should know. The industry and the Department, over the last ten years, we have gone across this whole state and held seminars for park operators and local enforcement officials. I remember a meeting in Santa Ana where we probably had 50 officials, inspectors, from various cities teaching how to use this book. I would just hate to start all over again. You know we spent a lot of time and money doing it.

SENATOR CRAVEN: That's what I understand. This may not be the world's greatest analogy, but I'm reminded of the situation today which involves the call for a constitutional convention to discuss a balanced budget, and people say they are for the thought of a balanced budget, but if you have a constitutional convention, it would open a veritable Pandora's Box and they would consider all kinds of things. Well, I'm afraid that if you have a situation wherein you are going to make a rework of this thing, they may start looking at a lot of other things and that, to me, looms as what I would say is a potential danger. But that's only the way I feel right now. John has a question of Mr. Imler.

MR. TENNYSON: Yes, Mr. Imler, did I understand you to say that the regulations which will be transferred to Title 24 will not affect the RV industry? In other words, none of those regulations will be construed to affect RV parks?

MR. IMLER: We will have less, probably, than the mobile-home park industry. In other words, what we are governed by now

is basically all the mobilehome regulations except what is excepted. So now we're going to have to go to Title 24 to find those regulations also. Then somewhere we're going to have to find what is exempted, because I'm not sure it is going to say in Title 24 that RV parks are exempted. We may find ourselves under more stringent rules if somebody does not see to it that those same exemptions are carried over. . .

MR. TENNYSON: From Title 25 to Title 24?

MR. IMLER: Right

MR. TENNYSON: I see. OK.

MR. IMLER: Then we would be in worse shape.

SENATOR CRAVEN: I understand. Very good. Let me just interrupt a moment to introduce another member of the Committee, Senator Ray Johnson, who represents Northern California, most all of it, and very well, too. Thank you, Ray, for being with us. Ray, we've gone through some preliminary testimony with Messrs. Biddle, McAdoo and Imler here and the tenor of their remarks is that they are not particularly in favor of what is proposed as to changing the area in which they have been operating, Title 25 into Title 24, or piecemealing it into two sections. Perhaps as you hear a little more, it will become clearer to you, but that's basically what we've gotten to thus far. Well, if that has covered it, very good. We thank you very much.

Next we call on Barry Whittlesey of the California

Manufactured Housing Association. Barry, good to see you today.

BARRY WHITTLESEY: Thank you, Mr. Chairman. My name is Barry Whittlesey of the California Manufactured Housing Association. I do not want to repeat the testimony that has been given. However, there are a couple of points that come to mind. Since my association with the State Legislature, when I first came up here in 1964, there have been at least four attempts to do this same sort of thing, to transfer a portion of the Mobilehome Park Act to the Building Standards Commission. Not all of them have had the same beginning. In none of the instances, Mr. Chairman and Senator Johnson, has any of the industry been contacted or asked their opinion.

By the industry, we contemplate in this particular case everyone who is associated with the manufactured home. Be it the mobilehome park, the retailer of the mobilehome, the manufacturer of the mobilehome, whatever the case may be. They have grown accustomed and have abided by Title 25, which is the "Bible" to them for the construction and development of parks. The Mobilehome Parks Act also contemplates the development of mobilehomes outside of the mobilehome park. The federal government, as you are well aware, had to intercede a few years ago and tried to make some sort of sense out of the mobilehome construction and safety standards so that the mobilehome itself would abide by and be the same throughout the land in the various states.

We have not enjoyed that situation with the mobilehome parks, but California was the leader in the development of those mobilehome construction and safety standards, and there is no doubt about it, California has been the leader in the development of Title 25. And every segment of the industry, so far as I know, is totally happy and totally receptive and uses that Title 25, and, as a matter of fact, one of my attendant duties I have is I'm on the Board of Directors of the County Building Officials. And I know for a fact that the county building officials and many city building officials use Title 25 and review it completely in the development of parks. I suggest that it would be real onerous to the cities and the counties, as well as the industry, to try to change it at this particular time, or at any time. I think we deserve a separate place, a separate consideration, because this is the way we have developed.

SENATOR CRAVEN: A separate consideration such as you presently enjoy?

MR. WHITTLESEY: Yes, sir.

SENATOR CRAVEN: John, I don't want to throw you a curve here, but can you tell us what it was in the legislation - very briefly - what we're faced with here today? What did that legislation say?

MR. TENNYSON: Basically, you are talking about SB 331, which was an attempt to consolidate all the building standards into one code on the theory that it would avoid duplication and on the theory that all building standards for all kinds

of buildings and related facilities should be in one section, consistent with the premise, perhaps, of AB 1111, which also was designed to ensure non-duplication of administrative regulations, conciseness, clarity, and so forth.

SENATOR CRAVEN: To veer away from a duplicative effort of publications? Basically, is that it?

MR. TENNYSON: That's the basic part of it, yes. And the desire of the construction industry, which supported SB 331, to see all the regulations in one section where they knew where they were.

SENATOR CRAVEN: Very good. All right. Do you have anything further, Barry?

MR. WHITTLESEY: No, sir.

SENATOR CRAVEN: All right. Thank you very much. Next, Travis Pitts of the Department of Housing and Community Development.

TRAVIS PITTS: Mr. Chairman and Senator Johnson, thank you very much. My name is Travis Pitts, Assistant Chief for Codes and Standards for the Department of Housing and Community Development. I have very little to add. I agree that Mr. Tennyson's background paper is excellent, and I would be hard pressed to improve upon any of the statements in it.

SENATOR CRAVEN: Yes. Does the Department have any position or feeling in this matter?

MR. PITTS: Well, there are definitely sentiments within the Department. However, with respect to the piece of legislation that is before us in AB 3022, we do not yet have an

approved position.

SENATOR CRAVEN: Uh-huh; whose bill is that?

MR. PITTS: Assemblyman Nolan.

SENATOR CRAVEN: That's the new bill?

MR. PITTS: Yes.

SENATOR CRAVEN: OK. How long before you will have some feeling for that bill one way or the other?

MR. PITTS: In all probability, it will be within the next thirty days. It is a relatively new bill, and we are in the process of analyzing the legislation, and we will be developing a request for an approve position.

MR. TENNYSON: Would you explain for us the situation with regard to the negotiations between the industry and your Department on the User's Manual so we can have a better idea of what that involves?

MR. PITTS: Yes. The issue first became prevalent in our compliance with AB 1111, the 1111 review process separating the conflict of duplication and overlap. I believe we worked very well with industry in that process. However, with SB 331 in the separation of building standards from our Title 25 regulations, it became apparent that the Title 25 regulations that were deemed by the Building Standards Commission to be "building standards" would have to be separated from our Title 25 regulations and put in their proper place in either part 2, 3 or 4 or 6 of Title 24, depending upon whether they were construction, plumbing, mechanical. . .

SENATOR CRAVEN: Even though they were not necessarily applicable to the units in question here? In other words, those that are presently in the appropriate place, none of them apply to mobilehomes, do they, today?

MR. PITTS: The Building Standards, per se, or the Uniform Building Codes, the Mechanical Codes. . .

SENATOR CRAVEN: Yes.

MR. PITTS: No, sir, they do not specifically apply to mobilehomes or manufactured housing. Manufactured housing, mobilehomes, recreational vehicles, commercial coaches, have been exempt from those types of building standards since they were first promulgated in 1958.

SENATOR CRAVEN: Yes. I can understand the efficacy of putting things together appropriately, but in this instance it seems to be a sort of a, you know, to Caesar the things that are Caesar's. The mobilehome people or really the RV people do not seem to fit into that venue, as far as I am concerned, because they have been separate and apart, and they are in other legislative senses separate, and they feel, and I tend to agree with them, that they are in effect losing a little bit of what they have enjoyed heretofore and something with which they have worked without what I could call problems, and they feel it is just to sort of generate some more problems for them, perhaps. They've lost, to put it very bluntly, some of their exclusivity, and they feel they are different, and I would tend to agree. There is a common denominator of housing. That I

understand, but it's the type, I think, they refer to, and for that reason, they stand rather adamant on that point. And I'm sure you understand.

MR. PITTS: Yes, sir.

SENATOR CRAVEN: Yes, Senator Johnson.

SENATOR RAY JOHNSON: Under present law, now, in the construction of these mobilehomes, do they now compare with the same building standards for residences?

MR. PITTS: You are talking about the construction of the mobilehome, not the park?

SENATOR JOHNSON: No, the home, for example.

MR. PITTS: The home itself. It has been the position of the Department that they compare from a standpoint of performance. The difficulty being, Senator, that the manufactured housing or mobilehome standard is a performance standard, and the Uniform Building Code, it's counterpart for conventional housing, is a specification standard. That makes the two extremely difficult to compare without a great deal of argument as to which is better or worse.

SENATOR JOHNSON: Well, I thought someone mentioned earlier that we had all these standards now for mobilehome construction.

MR. PITTS: Yes, sir, we do.

SENATOR JOHNSON: Aren't there specifications required in the construction of a mobilehome?

MR. PITTS: Very few specifications. There are many performance standards set forth in construction criteria for

manufactured homes.

SENATOR JOHNSON: What do you mean by performance standards?

MR. PITTS: An example is that the Uniform Building Code would typically provide that if you build a sidewall out of 2x4 or 2x6 materials, it will withstand the adequate roof loads, the wind loads, etc. In the manufactured housing standards, it provides that in order to build that same sidewall, you must meet a minimum 15 lb. per sq. ft. windload and a 20 lb. per sq. ft. minimum roof load. That makes the manufactured home an entirely engineered design, whereas there is no specification to use either 2x4's or 2x6's. You can use whatever material and construction method that will meet the performance standard, a different approach from a specification or Uniform Building Code approach.

SENATOR JOHNSON. OK. Now, I suppose there are some safety measures in there. You can't use a copper tubing to bring gas through the wall, can you?

MR. PITTS: No, you cannot.

SENATOR JOHNSON: In either one?

MR. PITTS: You cannot in either one of them.

SENATOR JOHNSON: There are a lot of limitations on those houses too. Design is only one phase of it.

MR. PITTS: Yes, sir.

SENATOR JOHNSON: And I can understand why they would give that leeway to a manufacturer with innovations and ideas. Now, what about the new parks that we have now approved? Do they not have standards that are acceptable now? In other

words, a new park. We're talking about here - somewhere I read all this this morning - something about an existing park where they try to bring up to whatever is being requested, it would virtually bankrupt some of them. That's about like going out into a low rent area and telling everybody who lives there that they have to completely redo their houses and everything there, which couldn't happen.

MR. PITTS: Over the years, Senator, the development of the Mobilehome Parks Act and the standards within that Mobilehome Parks Act and the regulations have been developed on a different track than have the Uniform Building Code, building standards for conventional housing. The Department in years past worked very closely with the Southern California Gas Association, Pacific Gas and Electric, and the industry themselves in developing, again from a performance aspect, what gas pipe sizes, what electrical wires demand, or what electrical demands or wiring sizes were appropriate for the high density mobilehome park, the environment of a mobilehome park. They have not come out the same as the building standards.

SENATOR JOHNSON: May I ask this then? Supposing I wanted to build a mobilehome park today? Do you think I could build one and get away with not doing the things that ought to be done in any way?

MR. PITTS: I absolutely do not, Senator.

SENATOR JOHNSON: In other words, we have taken care of all the precautions necessary so that anybody who is now building

a new mobilehome park would assure those who move in there that these things are adequate for their convenience, their protection and everything that we can think of?

MR. PITTS: Like the mobilehome, Senator, we would provide those same types of adequacies and protections, but by the use of a slightly different code from a subdivision.

SENATOR JOHNSON: My point is then: why do we need to change anything?

MR. PITTS: I'm not arguing for or against. . .

SENATOR JOHNSON: I was glad to hear that. I was just trying to be a fair man and understand this, you know, and it doesn't seem like if everything is going well, well that's the time to leave it alone.

MR. PITTS: I can't argue that, Senator.

SENATOR JOHNSON: All right.

SENATOR CRAVEN: That's not necessarily been the rule of thumb around here, Ray.

SENATOR JOHNSON: I know. (laughter). But that's why we're in trouble most of the time.

SENATOR CRAVEN: Do you have anything further, Travis? Thank you very much. John has a question for you.

MR. TENNYSON: With regard to the aspect of recreational vehicle parks, Mr. Imler was concerned that the lack of specificity in the code, Title 24, might give local government the leeway to impose certain building code requirements on the park operators which he represents. Do you have any comment on that? Do you think it's a possibility?

MR. PITTS: There is a possibility, an arguable or rebuttable presumption that in the absence of any standard for a recreational vehicle park, as we know it today, will develop from the transfer of Title 25 where it is specifically addressed to Title 24. There is a concern that a recreational vehicle park may have to be plumbed, wired in the same manner as subdivision. Many recreational vehicles have the maximum sewage outlet of 1½" pipe. However, under the Uniform Building Code they might have to have a 4" sewer line into each lot to serve that 1½" drain. I'm not sure that that's true, but that's a legitimate concern of the industry. They would have lost almost all their exceptions to those small recreational vehicles.

MR. TENNYSON: Unlike mobilehome parks that would be specifically covered under 24?

MR. PITTS: There is no doubt that a dwelling unit, being a dwelling unit, that mobilehomes would be covered in very much the same way as the subdivision. The recreational vehicle might also - even though it is substantially smaller be treated in the same manner as a subdivision.

MR. TENNYSON: Well, we say "maybe." Who will make the determination as to whether they will or not?

MR. PITTS: It will primarily be up to the Department of Housing and the Building Standards Commission. The Department, in all probability, arguing that it would not be a conflict, duplication, and overlap to have a separate standard for recreational vehicles because they are not, in fact, dwelling units.

MR. TENNYSON: OK. Thank you very much.

SENATOR CRAVEN: Thank you, Travis. Now may we hear from OAK?

LINDA STOCKDALE BREWER: Chairman Craven, Senator Johnson, thank you very much for the opportunity to have OAL come and present our thoughts on this subject. First of all, as I understand the issue, we would only be involved to the extent that the industry is concerned about removing from Title 25 to Title 24 the applicable regs. I make no comment about their rightness or the wrongness, if you will, of that decision. However, I'm here to explain to you that we are mandated by the Legislature as part of the whole regulatory reform effort to reject any regulation that comes through from HCD pertaining to these regulations, anyone that would incorporate them in Title 25. So in the absence of a legislative change, we would be forced to reject any regulations that come through.

I would like to introduce Bud Starr of my staff who has been working both with HCD and through HCD with the industry toward a solution that would affect what I would call a compromise. I am mostly concerned about the precedent of changing and starting to piecemeal out exceptions to SB 331. That legislation specifically identifies a number of industries and segments of industries that have building standards and it specifically mentions that they will be included in Title 24, so what you are being asked to do here today, is you are being asked to change and make an exception by legislative mandate of the power to put these regulations into Title 25. You are being asked to make a definite inroad into a reversal of regulatory reforms in the state, so, Bud, I think, can talk to

you more about our specific concerns and what we consider to be alternatives. I'm not here to present a stumbling block, but I do think there is a reasonable alternative that can accommodate at least that one concern about having a uniform User's Manual.

SENATOR CRAVEN: John informs me that there are already exceptions that do exist, OSHA being one.

MS. BREWER: That case is distinguishable, I think, from the arguments I've heard today. The OSHA situation is quite different and distinct from the arguments I've heard today.

SENATOR CRAVEN: If I understood you correctly, you said two things. One, that it was sort of fait accompli that the change from 25 to 24 was going to take place because that seems to be gathering all the eggs in one basket. And then you had no differentiation because of the fact that it related to mobilehome parks or what have you. I am not encouraged by that.

MS. BREWER: The Legislature did it; we didn't.

SENATOR CRAVEN: Well, you know, blame it on the Legislature. And that's true, but you did say that you pass no judgment on the efficacy of any of the given rules and regulations.

MS. BREWER: That's right.

SENATOR CRAVEN: So then the only issue is the culmination, really, as far as your office is concerned.

MS. BREWER: Exactly.

SENATOR CRAVEN: OK. Now with that in mind, Bud?

Ray has a question.

SENATOR JOHNSON: Now I listened carefully, I think, and I thought you said that what your concern was that if we did this very thing and exempt, we would set a precedent. Is that correct?

MS. BREWER: That is my concern, yes.

SENATOR JOHNSON: However, the precedent was turned around. In other words, if this had been in 24 and we took it and put it in 25, then we would be creating an exception. This was in 25 and we created an exception when we put it into 24. Isn't that right?

MS. BREWER: Yes. I think. . .

SENATOR JOHNSON: So the precedent is a little bit different than going from one to the other. This - whoever manufactured this bill - he set a precedent by taking it out of one and putting it in the other, so it is different. If they had all been together and they had taken it out, that would have been a precedent, but it wasn't in there in the first place.

MS. BREWER: To clarify the point I attempted to make, Senator Johnson, was that apparently before SB 331 - and I wasn't around to know. . .

SENATOR JOHNSON: You're forgiven, you know that.

MS. BREWER: We have 140 state agencies that come through OAL. We look at regulations for all those agencies and, as I understand it, the intent of SB 331 was to bring all those agencies, when it came to building standards, into

one Bible, if you will. We're talking about two different Bibles here. One for each industry. So, instead of having 140 different Bibles for the various segments of industry, the attempt, as I understand the Legislature's thinking at that time, was to put all building standards into one code so everybody for all time would have one single source document.

SENATOR CRAVEN: Remember that even the Bible is divided into the Old and the New Testaments. (laughter). That's a rather incipient thing, you see.

MS. BREWER: I make no judgment on that either. I wasn't around for that one either. (laughter).

SENATOR CRAVEN: No, I'm sure you weren't.

MS. BREWER: Philosophically, I have no concern. I just wanted to make sure you understood what you would be doing today if you did this.

SENATOR JOHNSON: If it were all put into 24 with the contents of 25 melded into 24, then you would have the exception within that same title in building codes, so all you're doing, really, would be to put everything into 24 but you would exempt and follow the procedure that we now have. That wouldn't hurt anybody; it wouldn't change anything except that it would put all in one code, but there would be that section of 24 that would say this is the way you treat housing. Now that might be a compromise and it wouldn't hurt anybody except we would just have one number instead of two, but then we would still have the housing people, I mean the mobilehome

parks and so forth in A, B, C or D or whatever it is in Title 24, treating them in a different fashion than the other buildings. That would clarify your problem probably. I don't think that the Legislature intended to say that everything shall be treated the same. It's just that we put it in the same box. In keeping with the Chairman's admonition about the Bible, we'd have the two segments there. I have no problem with that.

SENATOR CRAVEN: Bud, we're going to get around to asking for your advice.

BUD STARR: I think, Mr. Chairman, that some of the concern expressed in the testimony today was to be able to hold in one hand and under one cover everything that would affect the mobilehome park people, and that, in their estimation, should include the building standards as well as things which are not building standards, more administrative regulations. That concept does not necessarily require that the building standards portion of Title 25 have to remain in Title 25. They can still be for the purposes of the Legislature to gather all the building standards together. They can be a part of Title 24, but can be provided since they are already printed together under one cover with portions of Title 25 that would remain in Title 25. Particularly the book that was shown to you today is a reprint, not of all of Title 25 but of the portion of Title 25 that is germane to the mobilehome industry. I did some research late this summer with the procurement people in state printing to find out how many people use that book

now, and by use it that means not only have purchased it but maintain the annual update. As of this year there are about 469 users who paid \$4.00 for the book and pay between \$10 and \$12 each year to update it. As little as two years ago there were nearly 750 people who purchased that one book. Whether a book like that has to say Title 25 or excerpts from Title 24 and Title 25 affecting the mobilehome industry really doesn't affect our regulatory reform concerns. Our regulatory reforms concerns deal more with the fact that if we find an exception to the gathering process for one industry, we will find other industries that would like the same exception to the gathering process, and the basic purpose of SB 331 will be subverted because the Building Standards Commission won't have control over all building standards. That will put it back in our bailiwick and we will have to try to become building standards experts, which we really aren't.

SENATOR CRAVEN: There are entities out there who would like to have some degree of exclusivity, you say, that would engender that thinking on their part? They have not evidently evidenced that desire to this time, have they?

MR. STARR: Not to us, they haven't.

SENATOR CRAVEN: Yes, go ahead.

MS. BREWER: I understand that there have been other instances that have not been brought directly to our attention; but in the air resources area, I understand the same situation arose and a compromise was effected by use of a User's Manual

of the type which was suggested here. Given a little more time I think we could come up with other examples.

MR. STARR: The idea of the User's Manual is not for the Department to have to write up in prose its translation of statutes or regulations. We would get into another whole problem there. The idea would be to simply gather the administrative regulations from Title 25 together with the building standards from Title 24 and the pertinent portions of the statutes which affect the industry from the normal code. The advantage of that is one of the other processes that goes along in AB llll review is really aimed at undoing a problem that was created in the 60's and early 70's when regulations were sort of written by paraphrasing the statutes. Under our review and under the non-duplication standard that the Legislature has given us for review of regulations, we can't allow regulations to stand that are merely a paraphrasing of the statutes so those are going to have to be excised out of Title 25 anyway, and that would certainly not be a wise exception to say that just for the convenience of having something under one cover and for the convenience of not having to take things from three different covers and putting them under one cover that regulation should be allowed to be duplicative. So the Bible as it existed in the past isn't going to continue to exist anyway and the simplest solution would be to gather things which are already published and replace the market that exists. Apparently almost 500 people need this material. The same

500 people could pay their \$10 or \$12 a year to get excerpts from the statutes and the two Titles of the Administrative Code. Then there would be no conflict between all of the competing interests.

MS. BREWER: I never like to come to a problem-setting situation without offering some solution. I have a parochial interest in this suggestion, but I want you to be aware that we, assuming our budget is approved for the 1984-85 year, have been authorized to spend \$100,000 to reformat the California Administrative Code, something that has been sorely needed and I think it is apropos to this discussion at this hearing. I am willing to commit, for the record, as we go through the process of reformatting and cleaning up Title 24 and Title 25 to working with the mobilehome industry to help them, if that's what is necessary, to get a User's Manual. We will be reformatting the entire code, all the sections in it, and this is timely because it is going to impact me one way or the other how you decide today as to how that California Administrative Code will look, the New Testament. We are going to be remodeling the Old Testament, to use your Biblical analogy, and I am willing to commit resources to work with them and incorporate into Title 24 and, if necessary, to help them develop a User's Manual that would take the pertinent parts of 24 and 25, as we go through this process. I think it would be the best time to do it, and we have the most expertise at doing it.

SENATOR CRAVEN: So if you implement what we have been discussing, then you would do extractions from 24 and put it

together in a compendium of things applicable to the industry, is that correct?

MS. BREWER: Yes, I'm willing to do that.

SENATOR CRAVEN: And there would be nothing in there that was not germane to their interests?

MS. BREWER: Exactly.

SENATOR CRAVEN: Now, under 25 today, which includes those things in which they have an interest, are there in fact other items in there that are not necessarily germane to the mobilehome industry?

MS. BREWER: I'm not that familiar with their code. As I said, I've got a 140 that I look at.

SENATOR CRAVEN: Yes.

MS. BREWER: But if I hear their concerns correctly, and I'd like to be corrected if I don't hear it correctly. . .

SENATOR CRAVEN: Craig, why don't you come up here?

MS. BREWER: The practical problem is, and I'm looking out for the interests of both the Legislature, the precedent and their practical consideration as I sympathize with their concerns, and I think there is a way to affect a solution. Am I correct in understanding that what you are concerned about is the void that will be created by removal of the building standards in Title 25 to Title 24, that the people who are currently aware that that is where these exist will not know where to go to look for them? Is that a simplified version of your concern?

MR. BIDDLE: Well, I think a better way to express our concern or a simplified version of our concern is that you said that what you want to do is have one Bible for each industry. We agree with you. We think that the industry is not housing. We think that the industry is a mobilehome style of life. That's the industry to us, and what is happening is that you are saying housing is the industry, and you are taking a portion of mobilehome and putting it over in Title 24. Because if we proceed now, mobilehomes and manufactured housing will be in Title 25, and the parks will be over in Title 24. And now you are going to have a third document where you are going to put all of this together. So to really clarify, you will have to look at all three documents, here for the building of the home, here for the building of the park and this User's Guide. We believe that the industry should be in one document, one Bible, and that's mobilehomes, manufactured housing, RV's (recreational vehicles), RV parks, mobilehome parks, that's the industry and that's what we want to be the Bible.

SENATOR CRAVEN: So you feel that housing in a general sense is not necessarily the most appropriate common denominator for the problem?

MR. BIDDLE: Not to our industry. We think the common denominator is the mobilehome park industry.

SENATOR CRAVEN: You would say common denominator may well be what we would call conventional housing construction, and then on the other hand there is another facet of a related

industry, in fact similar, and that would be the mobilehome park, house, home, what have you. OK.

MR. BIDDLE: And that's what has happened now. There are many exceptions already; there are many exceptions. Mausoleums, are they housing? Is a mausoleum housing?

SENATOR CRAVEN: I think that's what is referred to as permanent housing. (laughter).

MR. BIDDLE: But interestingly enough, Senator Craven, that's one of the exceptions in the code. They aren't in the building code. They are an exception; isn't that interesting?

SENATOR CRAVEN: Well, I guess they're looking to the Resurrection, probably, and they don't stay there very long. We've become very Biblical here today, Ray. Obviously, it's your presence that has prompted this.

SENATOR JOHNSON: I was thinking of addressing you as "Reverend" instead of Chairman.

SENATOR CRAVEN: I'll turn my collar around. We have a meeting at the tent at 6 o'clock tonight; you're all welcome to come. Bring your tambourine. (laughter).

MR. BIDDLE: That's what we would like to do. We'd like to have. . .

SENATOR CRAVEN: Craig, I'm not. . .

MR. BIDDLE: . . .in our industry; we don't want to get caught. . .

SENATOR CRAVEN: I'm not in any way arguing the point

with you, but I'm just trying to draw you out on some of these points. I understand very well your arguments. However, looking at OAL's side of the issue, if they say we are going to take every bit of information pertinent, everything you ever wanted to know plus some, and we are going to put it into a manual, what in essence would be wrong with that?

MR. BIDDLE: The first thing is that, as a lawyer, the manual that they would write, I would then want to go to the document that their source material is. And one of the purposes of AB 1111 is non-duplicative - not to be duplicative - so they are now going one more duplication of the entire work. AB 1111 told them. . .

SENATOR CRAVEN: Don't duplicate.

MR. BIDDLE: Don't duplicate. What were the three things? Not duplicative, clarity and so forth. Now they are going to duplicate again. They are making a second document out of two documents, and I think the Legislature told them not to do that. The reason we formed OAL was so you wouldn't do this, and now they are going to duplicate it and make it three documents. So you are going to have to - in the source book they are going to write - they are going to have to footnote the sources, which is duplicative. So why are we doing it? I have never heard, and I know they are not proponents on this, why we are doing this, other than HCD always say to me because the Legislature said so. I can guarantee you that when SB 331 was going through, if the Legislature knew

that they were making this division between parks and mobilehomes, they might have made the correction at that time. We weren't really aware of that. I wasn't aware of it when it went through, and I was here so I can take part of the blame for that.

SENATOR JOHNSON: What happens if you took everything in 25 and put it in 24, the whole thing? What would happen then? (groans from audience). Well, I mean I'm just asking; don't get excited; I mean, after all (laughter). You're a nervous group out here.

MR. BIDDLE: Call it 24.5?

SENATOR JOHNSON: Yes, or something like that. What happens?

MR. BIDDLE: You call it 24.5 and go word for word the same thing?

SENATOR JOHNSON: Yes. You have it in one section. I mean I don't know; I'm just asking.

MR. BIDDLE: Well, if you did nothing but renumber the top, the first number, and did nothing else, you'd just create a printing problem for the printing plant. That's all. You wouldn't have accomplished anything.

SENATOR JOHNSON: Well, I mean it seems that number 25 seems to be sacred as opposed to number 24. I just. . .

MR. BIDDLE: I don't think it's the number we're talking about.

SENATOR JOHNSON: Well, you want everything in one. . .

MR. BIDDLE: One Bible for one industry.

SENATOR JOHNSON: All right.

MR. BIDDLE: And that's what we have right now.

SENATOR JOHNSON: Everything is in there? And they want to take part of it and put it in the building code?

MR. BIDDLE: Why not leave it just the way it is?

SENATOR JOHNSON: Well, that's what I said earlier and nobody got nervous, but when I asked this question, everybody got excited. I just wanted to give you a good hearing.

MR. BIDDLE: Well, I don't know if you were in the room when Senator Craven said, "Don't reinvent the wheel," and I've heard you say that many times over the years.

SENATOR CRAVEN: I got that from Ray.

MR. BIDDLE: I may have too. Anyway, there's no point in reinventing the wheel. Everything is fine; nobody has any problems with it other than they say they have to do it because of the bill that went through the Legislature. But I don't really think that was the intent of that legislation. I think. . .

SENATOR CRAVEN: Craig, let me just interrupt you for a moment - if you will hold there, Norm, because I know you want to say something. But let me ask if there is anyone here from Building Standards Commission? (no response). Well, Norm, OK, you wanted to say something.

MR. McADOO: My question is, if we change these standards we presently have, then do we come to the Department of Housing, which very well understands our problems and has been

working with us for 25 years, or do we go to the Building Standards Commission for those changes, who do not understand our problem and it would be a long educational process? Where do we go?

SENATOR CRAVEN: Yes, go ahead, Bud.

MR. STARR: The regulations would still be promulgated by HCD and, in fact, one portion of the APA directs that agencies which promulgate building standards will - although they still promulgate them - will forward them to the Building Standards Commission. The distinction is that OAL doesn't review them, the Building Standards Commission does, and for whatever basis the Legislature decided that the Building Standards Commission ought to know about building standards they would make that judgment.

SENATOR CRAVEN: Would this be a new venture, for the Building Standards people to become involved with their area of operation?

MR. STARR: Their area and the area of several other agencies. . .

SENATOR CRAVEN: Well, let's stipulate the rest of them, but principally, it would be something new for them to traffic in?

MR. STARR: As I understand it, that was part of the purpose of SB 331, to have a new oversight agency.

SENATOR CRAVEN: Yes, would you think that there exists some modicum of latent danger in that here is a new toy and we're going to play with it to death? And that's one of the

things, I think, that they are concerned about. Am I correct in assuming that?

MR. BIDDLE: Absolutely. We have a hearing now, and I hate to use Travis for this, but we have Travis here although he is not the Hearing Officer necessarily, but the hearing officer from HCD will not be here if this goes through.

SENATOR CRAVEN: Yes. It will be Building Standards Commission? Well, you can see they enjoy a great rapport with them today as they have nobody here today at all, so it's going to be like a first meeting for them. . .

MR. BIDDLE: They still call them "trailers".

SENATOR CRAVEN: They still call them "trailers" over there? That will give you an idea of how well - oh, boy. It's very, very difficult, you know. You deal with Alpha Beta and you're somewhat, I guess, reticent to go to Ralph's and I understand that. Well, do you have anything further, Bud?

MR. STARR: I did have two comments.

SENATOR CRAVEN: Sure.

MR. STARR: First, in response to the concern about duplication by having to pull some quotations from one document and some from another. I think that's really not central to the ability to look under one cover and have everything you need. The same kind of argument could be made that as the Legislature you should not adopt a statute that affects mobilehomes and put it into Civil Code because there might be something already in the Health and Safety Code so you

ought to put them all in the same code. And it's obvious that the Legislature doesn't follow that sense when it organizes statutes. The idea of organizing into the different Titles from an organizational standpoint I think is sound and pulling the information together is not duplicative. It's already being printed now and it says Title 25 at the top. You can change that line at a cost of \$1.50 to say "portions of Title 25 and portions of Title 24," and I'll add, by the way, that all of Title 25 isn't reprinted for that \$4.00. It's only the excerpts that are the main concern.

But the other thing that probably we can't speak to is the fact that whether or not these regulations show up in Title 25 or Title 24 really doesn't address the wisdom of whether or not the Building Standards Commission should review them. And I'm not sure if you say they get to stay in Title 25, that that means anybody reviews them. Does it mean that you want OAL to review them after HCD adopts them?

SENATOR CRAVEN: No. I wouldn't think that - with all due respect, Madam Director - I wouldn't think that's within your purview because it's not really part of your expertise. Your expertise basically would be the application of the law, if that would be the way to say it, as opposed to the specificity of the technique and technical information. You're not experts in that.

MR. STARR: That's true, but it raises the question of, if the Building Standards Commission is an inappropriate place

to be an oversight for those regulations, and we're an inappropriate place, then perhaps the nature of the exception is not to have oversight at all and that is something that is totally different than any regulatory body in any of the 140 some agencies of state government - much to their chagrin, sometimes, but. . .

SENATOR CRAVEN: I understand.

MR. STARR: But we feel that that is part of AB 1111; it is to draw on, at least for most of those regulations, our six subsequent standards and to try to cut that 28,000 pages of Administrative Code down to something that is manageable for everybody, for all industries.

SENATOR CRAVEN: Right. Well, hopefully, those of you in the audience who are not so intimately associated with the problem understand what the Office of Administrative Law is and if you don't, they're going to be here later and they'll be happy to field your questions. But what they try to do is to make as concise as possible those rules and regulations under which we operate and to avoid a duplication or an overlapping of those rules, and they - what did you say, you have a 146 agencies to examine and monitor? - and they are an extremely busy and very, very vital department of state government. How long has the OAL been in being? It came into being under Governor Brown's administration, I think. And you're only the second Director, I think, aren't you?

MS. BREWER: Four years.

SENATOR CRAVEN: Four years, and I think they've done

a very, very fine job. It's a horrendous undertaking, no question about it. Only appropriate for one of the "Fighting Irish." Right?

MS. BREWER: Yes, good of you to remember.

SENATOR CRAVEN: The counsel is a graduate of the University of Notre Dame School of Law. Thank you. Now, is there anyone else in the audience who may wish to add their thoughts on this matter? Well, there is our old friend, Maurice Priest, of the Golden State Mobilhome Owners League. Maury.

MAURICE PRIEST: Mr. Chairman and Senator Johnson, the Golden State Mobilhome Owners League prefers to view this discussion between Titles 25 and 24 as the question which is the truly inspired scripture, the King James Version or the new American Translation? And GSMOL has encouraged our members to study the King James Version for the last many years under Title 25, and our members, too, just as the rest of the industry, are most familiar with Title 25. If it all ends up in Title 24 and a User's Manual is developed, certainly we would make that manual available and encourage our members to use it. They are, however, most familiar with Title 25. I would like to address the alternatives that are stated in the committee's report. GSMOL would not support alternative #1 which would be to exempt all existing mobilehome parks and RV's from the building code requirements. The reason we could not support that particular alternative is because of the number of problems that exist

primarily in older mobilehome parks now. I don't think we would be doing mobilehome consumers any service by advising them or agreeing that the existing conditions in their parks are for their own benefit and they will not have to be upgraded. I could point out a dozen examples right around the Sacramento area, primarily in older mobilehome parks, where the electrical systems, sewer systems and water systems are just simply inadequate. For example, in the summertime when everyone is trying to use an air conditioner or cooler, sometimes the transformers in the parks are just not adequate to handle the electrical load that is put on them. Maybe they were originally when these parks were developed. I am speaking of some of them that are 15 to 20 years old. At that time they probably were adequate to handle the normal amount of electricity required by residents of the park, but there are many of these older parks that I don't think it would be to the advantage of mobilehome consumers to say they should be grandfathered forever. There should certainly be minimum standards, and in some cases I think those should be upgraded.

We could support the alternative #2 that's presented here to provide a grace period of time for older parks to meet upgraded standards so it would be more consistent with the new electrical appliances they have in their mobilehomes.

For those same reasons we could not support the third alternative which also has to do with exempting the existing parks from upgrading, and we could support alternative #4

which is the User's Manual. There would be some delay and some initial confusion if the change takes place and the code ends up in Title 24. In that case, we would say that certainly the quicker a User's Manual could be developed, the better, so we could get it into the hands of our membership.

SENATOR CRAVEN: Does your organization have a position on the Nolan bill, or are you familiar with it at this time?

MR. PRIEST: No, I'm not at this time.

SENATOR CRAVEN: All right. Very well. Thank you, Maury, very much. Chris?

CHRIS PETRAKOS: Senator Craven and Senator Johnson. I'm Chris Petrakos of the Western Manufactured Housing Institute. I'd like to shed a little background to start off on the exemptions that are allowed in SB 331 authored by Senator Robbins. I was very instrumental, personally, on behalf of a client, my client at that time as I was employed by the California Manufactured Housing Association, in getting the exemption from Senator Robbins from the Building Standards Commission. It was done primarily for one reason, and looking at the background of 331 was an attempt to bring in all the building standards and have one regulatory agency to promulgate building standards for housing, commercial buildings, whatever you want, throughout the State of California, and take it away from four or five or six other departments that were involved at that time to consolidate the efforts. We were originally

included in that legislation, but we were excluded because of the fact that the Department of Housing and Community Development since 1958, and also due to the fact that they are the state administrative agency for the federal government for the national construction standards for manufactured housing and also for interstate commerce purposes and reciprocity with other states as it relates to recreational vehicles. We're the agency, and the lead agency, involved in the construction standards and health and safety, also, for manufactured housing as well as recreational vehicles. And, what that would have done is, it would have taken everything that was in one shop and put it into another one. Therefore, we were granted the exemption because we wanted to leave everything alone in that one department. At that time we were also still trying to consolidate manufactured housing into one department from the Department of Motor Vehicles and some of the other state agencies. That was the primary purpose and background of the area.

The problem we're finding today - and I don't think that was really brought out in the hearing - is in fact the mobilehome park, which except for the facilities and amenities of the park, the clubhouse, the structures on it that are permanent and improvements on property, what is that mobilehome park's use? Its use today is like providing utilities for hookups for a manufactured house or a recreational vehicle to be sited on. They are either for a temporary basis or

a permanent basis. Isn't it a fact those utilities are a building standard? I think that's where the entire issue is that you have today, and, personally, I don't believe they were intended to be building standards in that area. I believe that you will find it was an interpretation by the State Building Standards Commission recently that said they are building standards; therefore, they must be placed in Title 24 and separated. The problem you have when they go to Title 24 and are separated is, in fact, then compounded because you'll find an electrical standard for a size of a pipe requirement for plumbing because it will be a duplicate of something else but they are going to be somewhat different because they have different applications.

Now are we going to run into the problem of OAL saying, "Hey, it has to be one or the other"? And that's a problem we face. If, in fact, they say it has to be one, then you run the risk of having a mobilehome park being constructed to different standards which you don't have to have today, or you have different standards today because there are differences in the usage requirements which are not considered to be permanent as an improvement to real property. For example, in a lot of mobilehome parks the streets are not dedicated to the city and county, nor the lighting system in there. So you have different construction requirements for that type of property. Now are we going to say they have to be the same as you would have on a normal street, where you might have a different value for the strengthening requirements which are not needed in a mobilehome park? That's the risk

you take, and you will have increased costs to the consumer down the line because he's going to pay for it through the rents. This system we have today has worked for many years, and it also gives the manufacturers of the product an area where they design the product for their utilities to look at the requirements of the park, and have it in one code, because your feeder connections off the mobilehome to the feeder box you have or the utility box you have are all specialized equipment today. It's not the same as you would find in a single family dwelling. Therefore, by having everything in one code, when we go in for our designs, we start to design it with our engineers, that is the structure we are able to utilize in that one code and have everything in one central place. So that's from our point of view and just as informational background, I think you should consider, Senators, are they building standards and the cost factor to the consumer because he's the one who is going to pay for it down the line.

SENATOR JOHNSON: What about the standards we have in construction of mobilehome? If you're building one for someone who lives in Nevada or Oregon, are those standards universal by the federal government? In other words, if I were to build a mobilehome in Nevada, would I have to provide the same kind of a minimum deal to sell in California, or could I make one over there, or would those standards to be adequate to bring a manufactured item out of Nevada into California?

MR. PETRAKOS: The manufactured home itself, Senator,

is constructed to a national building standard, promulgated by the federal government. Any manufactured home constructed after June 15, 1976, new at that time, has to meet those construction standards.

SENATOR JOHNSON: Can you make them in California - are they more difficult or are they the same? If I, today, . . .

MR. PETRAKOS: The federal statute simply states that no city, county or state may adopt and promulgate any other standard which is not identical to the national construction standards. Therefore, those areas where there are no standards, then the State of California is allowed to promulgate a standard. However, I don't believe that there are that many differences or any other standards which are not pretty close to being identical to what the federal government has.

SENATOR JOHNSON: Well, then, there is a difference?

MR. PETRAKOS: There can be a difference. What I'm saying is those areas of federal government have pretty much preempted everybody in that area. I mean there are some areas still under consideration where there are revisions going on in Washington right now, like one is indoor pollution, for example. Just to give you an example in that area. There is no standard in that so the state, up until the federal government makes an adoption of that particular standard, is free to exercise its own authority in that area. That's the type of difference you would have.

SENATOR JOHNSON: Does that cover RV's as well?

MR. PETRAKOS: RV's are covered strictly by the State of California, Senator, but there are reciprocity agreements for certain states where they look at these certain requirements that they have for interstate commerce purposes. Otherwise, an RV that comes into California would have to then be brought up to code before it could be offered for sale to meet the California standards.

SENATOR JOHNSON: Now there is the difference in building codes then. I was just trying to get the full picture, backing up a little bit. We have a plant in Nevada making mobilehomes under the federal law, and that mobilehome could be moved into California and not violate any of the laws?

MR. PETRAKOS: That's correct.

SENATOR JOHNSON: But we do have in our housing standards, we have a federal minimum standard, but we can have tougher standards in California than they have in Nevada. That separates the two different types of buildings, does it not?

MR. PETRAKOS: Well, you can say it separates the two different types of buildings, Senator, but the manufactured home, as Mr. Pitts indicated earlier, is a performance standard. For example. . .

SENATOR JOHNSON: No, no. Maybe I didn't make it clear to you. What I'm trying to lead up to is that anything that is built out of state there's one building code on mobilehomes. Now we have a certain building standards, federal, for conventional homes. Do we not?

MR. PETRAKOS: You do under FHA. You have minimum property standards. . .

SENATOR JOHNSON: But otherwise you don't have then? It's all depending on the state?

MR. PETRAKOS: It all depends on the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code which the state adopts.

SENATOR JOHNSON: So in one instance you have -- what I was trying to differentiate between is a mobilehome and the building standards on the other side, which the building standards for a conventional home can be different than the one that is approved by the feds. So we may run into a situation where we play games bringing a mobilehome in from Nevada if our standards are different over here from the conventional building code, then you couldn't move one of them in.

MR. PETRAKOS: No. Not on a mobilehome, Senator. . .

SENATOR JOHNSON: Well, you could. . .

MR. PETRAKOS: . . .reciprocity. . .

SENATOR JOHNSON: Wait a minute, now. I'm saying that if we try to adopt and fit it all into one package and not exempt the mobilehome construction as a separate industry, if you put it all in and said these are the building standards and they apply both to conventional homes and mobilehomes, they could be higher than those that the federal government allows us to do. So you could get a real crossfire in there and have it all botched up. What I'm trying to do is show you that there is a different way that they are being treated, in my mind.

MR. PETRAKOS: I hear what you are saying, Senator. However, just for informational purposes, the federal government is very precise. Congress was very precise in the exemption, and the preemption requirements that they granted in 1974 when they were putting together the Housing and Urban Development Act, and they specifically exempted all states and political subdivisions of the states, so therefore even if the State Building Standards Commission wanted to do that today, they do not have the legal authority to do it.

SENATOR JOHNSON: They cannot make it tougher?

MR. PETRAKOS: They cannot make it tougher. It has to be identical to the federal standards.

SENATOR JOHNSON: Well, then, that solves a lot of problems. That's what I wanted you to say all the time.

MR. PETRAKOS: Well, that's what I was trying to say. The point here is that you have to make a determination on whether the utilities, the underground utilities, are provided, the water, the sewer, the concrete pad, the electrical and the natural gas. Is that a building standard? And is it a means of utility to the assembly point of the manufactured home? Is that a building standard? We're saying that those are standards for utility services, not a building construction standard. So, therefore, you have an interpretative ruling from the Building Standards Commission, right now, that has created this entire mess, as I understand it. That's where I think we should start and reverse their opinion of what a

building standard is, and you won't have the problem and there may not be any need for Assemblyman Nolan's bill. However, you may also want to look at it and put it into statutory language right now to solve this problem from being done on an interpretative basis later on down the line. You're not going to do anything to take away health and safety requirements - mess up the thing and make it a lot more inconvenient with the chance of having additional costs to the consumer down the road.

SENATOR JOHNSON: Very good.

SENATOR CRAVEN: Would you like to respond to anything that Chris has mentioned?

(response from Mr. Starr in audience and inaudible).

SENATOR CRAVEN: Very good. Thanks, Chris. We appreciate it. Anyone else who would like to make any comment? Ray, anything further?

SENATOR JOHNSON: Only to say Amen.

SENATOR CRAVEN: We'll do that post haste. We want to thank you all very much for being with us today. As always, you have provided a great deal of input to the committee, and as you probably know a great deal of what we listen to is converted, if you will, into legislation which we hope serves the best interest of all of the people of the State of California. So you play a very vital role, and for that we are most appreciative. And with that, we will adjourn. Thank you.

v.

SUMMARY

SUMMARY

Two points of view were clearly illustrated as the result of the committee hearing:

Mobilehome park and RV park representatives wish to retain building standards for their industry in Title 25, since they have operated well under those provisions for many years, and not amendable to increased building standard requirements, or requirements which may be imposed as a result of placing such standards within the jurisdiction of the Building Standards Commission under Title 24.

The Office of Administrative Law (OAL) believes that leaving such standards in Title 25 will not comport with the requirements of Assembly Bill 1111 and Senate Bill 331 to streamline administrative regulations by placing all building standards in one code and under the auspices of one commission.

Means of resolving these two viewpoints may only occur by virtue of legislative action. AB 3022 (Nolan), exempting mobilehome parks from building code standards, is one legislative approach to the problem.

Other alternatives could include legislation to:

1) provide that building standards for mobilehome and RV parks remain in Title 25 as a legislative exception to SB 331;

2) require that the Building Standards Commission adopt the same standards and exceptions for mobilehome and RV parks under Title 24 as now exists for them in Title 25;

3) require that the Department of Housing and Community Development (HCD) assemble and publish a User Guide listing various regulations from Title 24, Title 25 and other documents affecting mobilehome and RV parks.

#

