

AMENDED IN ASSEMBLY JUNE 15, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE APRIL 27, 2006

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1231

Introduced by Senators Dunn, Bowen, and Kuehl

(Coauthors: Assembly Members Evans, Jones, Laird, and Lieber)

February 6, 2006

An act to amend ~~Section~~ *Sections 18400.1 and 18400.3* of, ~~and to amend and repeal Sections 18400.1, 18424, and 18502 of, the Health and Safety Code, Section 18502 of, and to repeal Section 18424 of, the Health and Safety Code,~~ relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1231, as amended, Dunn. Mobilehomes: park inspections.

(1) The Mobilehome Parks Act regulates the conditions in mobilehome parks and special occupancy parks, as defined, and, until January 1, 2007, requires the Department of Housing and Community Development, and local government entities that assume enforcement duties, to inspect the parks pursuant to specified criteria and to issue notices of violations. Existing law, until January 1, 2007, establishes a fee structure for permits for constructing and operating mobilehome parks and special occupancy parks and provides a different fee structure to take effect on and after January 1, 2007. ~~The existing fee structure requires, except for a special occupancy park, an additional~~

~~annual fee of \$4 per lot and requires this additional \$4 fee to be used exclusively for the inspection of mobilehome parks and mobilehomes.~~

~~This bill would extend delete the January 1, 2007, repeal date thereby extending the operation of the provisions described above to January 1, 2014 indefinitely. The bill would increase the \$4 fee to \$6 and would also revise an element of the inspection criteria for parks and require the department to submit specified reports to the Legislature every 5 years.~~

(2) The Mobilehome Parks Act also requires the Department of Housing and Community Development to convene a specified task force at least once a year to provide input to the department on the conduct and operation of the mobilehome park maintenance inspection program.

This bill would instead require the task force to meet at least twice a year and would require its input to the department on the conduct and operation of the mobilehome park maintenance inspection program to include, but not be limited to, frequency of inspection, program formation, and recommendations for program changes.

(3) *The Mobilehome Parks Act requires an annual operating permit fee of \$25 and an additional \$2 per lot or camping party, as specified. In addition, existing law requires, except for a special occupancy park, an additional annual fee of \$4 per lot and requires this additional \$4 fee to be used exclusively for the inspection of mobilehome parks and mobilehomes. Existing law repeals the additional \$4 fee per lot on January 1, 2007.*

This bill would delete the January 1, 2007, repeal date thereby extending the imposition of the additional \$4 fee per lot indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18400.1 of the Health and Safety Code
- 2 is amended to read:
- 3 18400.1. (a) In accordance with subdivision (b), the
- 4 enforcement agency shall enter and inspect mobilehome parks, as
- 5 required under this part, ~~at least once every seven years,~~ to ensure
- 6 enforcement of this part and the regulations adopted pursuant to
- 7 this part. The enforcement agency's inspection shall include an
- 8 inspection of the exterior portions of individual manufactured

1 homes and mobilehomes in each park inspected. Any notices of
2 violation of this part shall be issued pursuant to Chapter 3.5
3 (commencing with Section 18420).

4 (b) In developing its mobilehome park maintenance inspection
5 program, the enforcement agency shall inspect the mobilehome
6 parks that the enforcement agency determines—~~either:~~ *have*
7 *complaints that have been made to the enforcement agency*
8 *regarding serious health and safety violations in the park. A*
9 *single complaint of a serious health and safety violation shall not*
10 *automatically trigger an inspection of the entire park unless,*
11 *upon investigation of that single complaint, the enforcement*
12 *agency determines that there is a violation and that an inspection*
13 *of the entire park is necessary.*

14 ~~(1) Had the most serious, or a substantial number of serious,~~
15 ~~health and safety violations as a result of past enforcement~~
16 ~~agency inspections of the parks.~~

17 ~~(2) Have complaints that have been made to the enforcement~~
18 ~~agency regarding serious health and safety violations in the park.~~
19 ~~A single complaint of a serious health and safety violation shall~~
20 ~~not automatically trigger an inspection of the entire park unless~~
21 ~~upon investigation of that single complaint the enforcement~~
22 ~~agency determines that there is a violation and that an inspection~~
23 ~~of the entire park is necessary.~~

24 (c) ~~Nothing in this part shall be construed to~~ *This part does not*
25 allow the enforcement agency to issue a notice for a violation of
26 existing laws or regulations that were not violations of the laws
27 or regulations at the time the mobilehome park received its
28 original permit to operate, or the standards governing any
29 subsequent permit to construct, or at the time the manufactured
30 home or mobilehome received its original installation permit,
31 unless the enforcement agency determines that a condition of the
32 park, manufactured home, or mobilehome endangers the life,
33 limb, health, or safety of the public or occupants thereof.

34 (d) Not less than 30 days prior to the inspection of a
35 mobilehome park under this section, the enforcement agency
36 shall provide individual written notice of the inspection to the
37 registered owners of the manufactured homes or mobilehomes,
38 with a copy of the notice to the occupants thereof, if different
39 than the registered owners, and to the owner or operator of the

1 mobilehome park and the responsible person, as defined in
2 Section 18603.

3 (e) At the sole discretion of the enforcement agency's
4 inspector, a representative of either the park operator or the
5 mobilehome owners may accompany the inspector during the
6 inspection if that request is made to the enforcement agency or
7 the inspector requests a representative to accompany him or her.
8 If either party requests permission to accompany the inspector or
9 is requested by the inspector to accompany him or her, the other
10 party shall also be given the opportunity, with reasonable notice,
11 to accompany the inspector. Only one representative of the park
12 owner and one representative of the mobilehome owners in the
13 park may accompany the inspector at any one time during the
14 inspection. If more than one representative of the mobilehome
15 owners in the park requests permission to accompany the
16 inspector, the enforcement agency may adopt procedures for
17 choosing that representative.

18 (f) The enforcement agency shall coordinate a preinspection
19 orientation for mobilehome owners and mobilehome park
20 operators with the use of an audiovisual presentation furnished
21 by the department to affected local enforcement agencies.
22 Enforcement agencies shall furnish the audiovisual presentation
23 to park operators and mobilehome owner representatives in each
24 park subject to inspection not less than 30 days prior to the
25 inspection. Additionally, it is the Legislature's intent that the
26 department shall, where practicable, conduct live presentations,
27 forums, and outreach programs throughout the state to orient
28 mobilehome owners and park operators on the mobilehome park
29 maintenance inspection program and their rights and obligations
30 under the program.

31 (g) Any local enforcement agency that relinquishes
32 enforcement authority to the department shall remit to the
33 department fees collected pursuant to paragraph (2) of
34 subdivision (c) of Section 18502 that have not been expended for
35 purposes of that paragraph.

36 ~~(h) The department shall report every five years to the~~
37 ~~Legislature on the status of mobilehome park inspections for the~~
38 ~~previous five-year period. The department shall submit its first~~
39 ~~report to the Legislature by December 31, 2007. The reports shall~~
40 ~~include, but not be limited to, information on the total number of~~

1 ~~parks and spaces in the state, the number of parks and spaces that~~
2 ~~have been inspected, the number of notices of violations issued to~~
3 ~~park operators, the number of notices of violations issued to~~
4 ~~mobilehome owners, the number of violations that have been~~
5 ~~corrected and that remain uncorrected at the end of the five-year~~
6 ~~period, the amount of the fees collected and expended for~~
7 ~~purposes of the inspection program, and recommendations for~~
8 ~~legislative changes to the inspection program made in~~
9 ~~consultation with the task force established pursuant to Section~~
10 ~~18400.3.~~

11 ~~(i) This section shall remain in effect only until January 1,~~
12 ~~2014, and as of that date is repealed, unless a later enacted~~
13 ~~statute, that is enacted before January 1, 2014, deletes or extends~~
14 ~~that date.~~

15 SEC. 2. Section 18400.3 of the Health and Safety Code is
16 amended to read:

17 18400.3. (a) The department shall convene a task force of
18 representatives of mobilehome owners, mobilehome park
19 operators, local enforcement agencies that conduct mobilehome
20 park inspections, and the Legislature, at least twice a year, to
21 provide input to the department on the conduct and operation of
22 the mobilehome park maintenance inspection program,
23 including, but not limited to, frequency of inspection, program
24 information, and recommendations for program changes.

25 (b) The Senate Committee on Rules and the Assembly
26 Committee on Rules shall each designate a member of its
27 respective house to be a member of the task force. Each
28 legislative member of the task force may designate an alternate to
29 represent him or her at task force meetings.

30 (c) With the input of the task force, the department may
31 reorganize violations under this part and the regulations adopted
32 pursuant to this part into the following two categories:

33 (1) Those constituting imminent hazards representing an
34 immediate risk to life, health, and safety and requiring immediate
35 correction.

36 (2) Those constituting unreasonable risk to life, health, or
37 safety and requiring correction within 60 days.

38 (d) Any matter that would have constituted a violation prior to
39 January 1, 2000, that is not categorized in accordance with
40 subdivision (c) on or after January 1, 2000, shall be of a minor or

1 technical nature and shall not be subject to citation or notation on
2 the record of an inspection conducted on or after January 1, 2000.

3 ~~SEC. 3. Section 18424 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 ~~18424. This chapter shall remain in effect only until January~~
6 ~~1, 2014, and as of that date is repealed, unless a later enacted~~
7 ~~statute, which is enacted before January 1, 2014, deletes or~~
8 ~~extends that date.~~

9 *SEC. 3. Section 18424 of the Health and Safety Code is*
10 *repealed.*

11 ~~18424. This chapter shall remain in effect only until January~~
12 ~~1, 2007, and as of that date is repealed, unless a later enacted~~
13 ~~statute, which is enacted before January 1, 2007, deletes or~~
14 ~~extends that date.~~

15 SEC. 4. Section 18502 of the Health and Safety Code, as
16 amended by Section 22 of Chapter 434 of the Statutes of 2001, is
17 amended to read:

18 18502. Fees as applicable shall be submitted for permits:

19 (a) Fees for a permit to conduct any construction subject to
20 this part as determined by the schedule of fees adopted by the
21 department.

22 (b) Plan checking fees equal to one-half of the construction,
23 plumbing, mechanical, and electrical permit fees, except that the
24 minimum fee shall be ten dollars (\$10).

25 (c) (1) An annual operating permit fee of twenty-five dollars
26 (\$25) and an additional two dollars (\$2) per lot.

27 (2) An additional annual fee of ~~six dollars (\$6)~~ *four dollars*
28 *(\$4)* per lot shall be paid to the department or the local
29 enforcement agency, as appropriate, at the time of payment of the
30 annual operating fee. All revenues derived from this fee shall be
31 used exclusively for the inspection of mobilehome parks and
32 mobilehomes to determine compliance with the Mobilehome
33 Parks Act (Part 2.1 (commencing with Section 18200)) and any
34 regulations adopted pursuant to the act.

35 (3) The Legislature hereby finds and declares that the health
36 and safety of mobilehome park occupants is a matter of public
37 interest and concern and that the fee paid pursuant to paragraph
38 (2) shall be used exclusively for the inspection of mobilehome
39 parks and mobilehomes to ensure that the living conditions of
40 mobilehome park occupants meet the health and safety standards

1 of this part and the regulations adopted pursuant thereto.
2 Therefore, notwithstanding any other provisions of law or local
3 ordinance, rule, regulation, or initiative measure to the contrary,
4 the holder of the permit to operate the mobilehome park shall be
5 entitled to directly charge one-half of the per lot additional
6 annual fee specified herein to each homeowner, as defined in
7 Section 798.9 of the Civil Code. In that event, the holder of the
8 permit to operate the mobilehome park shall be entitled to
9 directly charge each homeowner for one-half of the per lot
10 additional annual fee at the next billing for the rent and other
11 charges immediately following the payment of the additional fee
12 to the department or local enforcement agency.

13 (d) Change in name fee or transfer of ownership or possession
14 fee of ten dollars (\$10).

15 (e) Duplicate permit fee or amended permit fee of ten dollars
16 (\$10).

17 ~~(f) This section shall remain in effect only until January 1,~~
18 ~~2014, and as of that date is repealed, unless a later enacted~~
19 ~~statute, that is enacted before January 1, 2014, deletes or extends~~
20 ~~that date.~~

21 *SEC. 5. Section 18502 of the Health and Safety Code, as*
22 *amended by Section 8 of Chapter 520 of the Statutes of 1999, is*
23 *repealed.*

24 ~~18502. Fees as applicable shall be submitted for permits:~~

25 ~~(a) Fees for a permit to conduct any construction subject to~~
26 ~~this part as determined by the schedule of fees adopted by the~~
27 ~~department.~~

28 ~~(b) Plan checking fees equal to one-half of the construction,~~
29 ~~plumbing, mechanical, and electrical permit fees, except that the~~
30 ~~minimum fee shall be ten dollars (\$10).~~

31 ~~(c) (1) Except for a temporary recreational vehicle park, an~~
32 ~~annual operating permit fee of twenty-five dollars (\$25) and an~~
33 ~~additional two dollars (\$2) per lot or two dollars (\$2) per~~
34 ~~camping party for the maximum number of camping parties to be~~
35 ~~accommodated at any one time in an incidental camping area.~~

36 ~~(2) Except for a special occupancy park, an additional annual~~
37 ~~fee of four dollars (\$4) per lot shall be paid to the department or~~
38 ~~the local enforcement agency, as appropriate, at the time of~~
39 ~~payment of the annual operating fee. All revenues derived from~~
40 ~~this fee shall be used exclusively for the inspection of~~

1 mobilehome parks and mobilehomes to determine compliance
2 with the Mobilehome Parks Act (Part 2.1 (commencing with
3 Section 18200)) and any regulations adopted pursuant to the act.

4 (3) ~~The Legislature hereby finds and declares that the health
5 and safety of mobilehome park occupants is a matter of public
6 interest and concern and that the fee paid pursuant to paragraph
7 (2) shall be used exclusively for the inspection of mobilehome
8 parks and mobilehomes to ensure that the living conditions of
9 mobilehome park occupants meet the health and safety standards
10 of this part and the regulations adopted pursuant thereto.
11 Therefore, notwithstanding any other provisions of law or local
12 ordinance, rule, regulation, or initiative measure to the contrary,
13 the holder of the permit to operate the mobilehome park shall be
14 entitled to directly charge one-half of the per lot additional
15 annual fee specified herein to each homeowner, as defined in
16 Section 798.9 of the Civil Code. In that event, the holder of the
17 permit to operate the mobilehome park shall be entitled to
18 directly charge each homeowner for one-half of the per lot
19 additional annual fee at the next billing for the rent and other
20 charges immediately following the payment of the additional fee
21 to the department or local enforcement agency.~~

22 (d) ~~Temporary recreational vehicle park operating permit fee
23 of twenty-five dollars (\$25), with no additional fee for the lots.~~

24 (e) ~~Change in name fee or transfer of ownership or possession
25 fee of ten dollars (\$10).~~

26 (f) ~~Duplicate permit fee or amended permit fee of ten dollars
27 (\$10).~~

28 (g) ~~This section shall remain in effect only until January 1,
29 2007, and as of that date is repealed, unless a later enacted
30 statute, which is enacted before January 1, 2007, deletes or
31 extends that date.~~

32 *SEC. 6. Section 18502 of the Health and Safety Code, as*
33 *amended by Section 9 of Chapter 520 of the Statutes of 1999, is*
34 *repealed.*

35 18502. Fees as applicable shall be submitted for permits:

36 (a) ~~Fees for a permit to conduct any construction subject to
37 this part as determined by the schedule of fees adopted by the
38 department.~~

- 1 ~~(b) Plan checking fees equal to one-half of the construction,~~
2 ~~plumbing, mechanical, and electrical permit fees, except that the~~
3 ~~minimum fee shall be ten dollars (\$10).~~
- 4 ~~(c) Except for a temporary recreational vehicle park, an~~
5 ~~annual operating permit fee of twenty-five dollars (\$25) and an~~
6 ~~additional two dollars (\$2) per lot or two dollars (\$2) per~~
7 ~~camping party for the maximum number of camping parties to be~~
8 ~~accommodated at any one time in an incidental camping area.~~
- 9 ~~(d) Temporary recreational vehicle park operating permit fee~~
10 ~~of twenty-five dollars (\$25), with no additional fee for the lots.~~
- 11 ~~(e) Change in name fee or transfer of ownership or possession~~
12 ~~fee of ten dollars (\$10).~~
- 13 ~~(f) Duplicate permit fee or amended permit fee of ten dollars~~
14 ~~(\$10).~~
- 15 ~~(g) This section shall become operative on January 1, 2007.~~