

**2002**

**FINAL**

**MOBILEHOME**

**BILL LIST**

Compliments of

**SENATOR JOE DUNN**

**Chair**

**Senate Select Committee on Mobile and  
Manufactured Homes**

**October 2, 2002**

A final summary of bills on mobilehomes, manufactured housing, mobilehome parks  
and related issues introduced in the California Legislature in 2002

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**October 2, 2002**

**ENFORCEMENT of LAWS & CODES RELATING TO MOBILEHOME PARKS**

There are a number of laws relating to mobilehome parks, but enforcement of these laws, or alleged lack thereof, has been an important issue in recent years.

**AB 2382 (Corbett) – Civil Enforcement by Public Officers.**

Currently the Mobilehome Residency Law (MRL) provides that the substantial failure of the park management to maintain the common facilities in good working order and condition or the substantial violation of a park rule to be a public nuisance and authorizes a district attorney or city attorney to bring a civil action for abatement of such a nuisance. Current law also authorizes a district attorney to bring a civil action against a park operator to abate any nuisance pursuant Mobilehome Parks Act (MPA), i.e. park health and safety violations. This bill would also permit a county counsel, city attorney or the state Attorney General to pursue civil nuisance violations of the MPA and the MRL. STATUS: Passed Assembly 47-24, Senate 22-9, signed Chapter 141, Statutes of 2002.

Support: Golden State Manufactured Home-Owners League, California Mobilehome Resource and Action Association, Congress of California Seniors, Gray Panthers of California. Opposition: Western Manufactured Housing Communities Association, California Mobilehome Parkowners Alliance.

**AB 2500 (Corbett) – Violation of Mobilehome Residency Law - Damages.**

Current law provides that, in addition to damages afforded by law, a court may award a homeowner up to \$2,000 for each willful mobilehome park owner violation of the Mobilehome Residency Law (MRL). A recent state appellate decision held that

"damages afforded by law" that can be recovered in addition to willful damages under the MRL do not include punitive damages. This bill clarifies that a prevailing homeowner in an action under the MRL who collects punitive damages cannot also collect the \$2,000 award for willful damages. The bill also provides that venue for any MRL cause of action shall be the county where the mobilehome park is located, regardless of whether it is related to other causes of action that could be filed in other counties.

STATUS: Passed Assembly 48-26, passed Senate 21-13. Vetoed by the Governor.

Support: Golden State Manufactured-Home Owners League, California Mobilehome Resource and Action Association, Congress of California Seniors, Consumer Attorneys of California, Gray Panthers of California. Opposition: Western Manufactured Housing Communities Association, California Mobilehome Parkowners Alliance.

**SB 1556 (Dunn) – Speeding Enforcement in Mobilehome Parks.**

Current law permits local governments to enter into agreements with private property owners to enforce traffic laws on private roads, subject to specified conditions, and pursuant to a traffic survey. This measure would avoid the cost of traffic surveys for this purpose by authorizing cities and counties, after notice, hearing and enactment of a local

ordinance, to enter into agreements with mobilehome parks to have local police enforce traffic laws, using a presumptive 15 mph speed limit established by this bill. If parks wish to use another speed limit, a traffic survey would have to be conducted to support it. The bill comes about as the result of the inability of park management to enforce speed limits or stop sign requirements on the public use of park roads.

STATUS: Passed Senate 38-0, Assembly 74-0, signed, Chapter 284, Statutes of 2002.

Support: California Mobilehome Resource and Action Association, Western Manufactured Housing Communities Association, Golden State Manufactured-Home Owners League. Opposition: Unknown

### **SB 1663 (Soto) – Local Enforcement of Mobilehome Parks Act.**

The Department of Housing and Community Development (HCD) enforces Health and Safety Code requirements (a statewide code standard) for mobilehome parks (Mobilehome Parks Act - Title 25). HCD has agreements with approximately 85 local jurisdictions to enforce the Parks Act for all parks within their respective jurisdictions. HCD retains enforcement jurisdiction for parks in the rest of the state. This bill would permit the City of Pomona to enter into an agreement with HCD to enforce the Parks Act in one or more specified parks, rather than all parks, within Pomona for 5 years. The city believes it can do a better job of enforcement than HCD in "slum lord" parks if not burdened with taking on enforcement in all parks in the city.

STATUS: Passed Assembly 49-27, passed Senate 23-10, Vetoed by the Governor.

Support: City of Pomona, Golden State Manufactured-Home Owners League, League of California Cities, Independent Cities Association. Opposition: Western Manufactured Housing Communities Association, California Mobilehome Park Owners Alliance.

### **SB 1778 (Dunn) – Mobilehome Dealer Laws - Enforcement.**

The Department of Housing and Community Development (HCD) licenses and regulates mobilehome dealers. HCD has the authority to assess a \$100 fine (\$250 fine for same offense within 1 year) against dealers for 8 specified violations of dealer licensing laws, such as failure to display the total purchase price of the mobilehome or not using an escrow in a mobilehome sale. Currently, most escrow provisions applicable to the sale of mobilehomes are not required if mobilehomes are placed on foundation systems. This bill authorizes HCD to levy fines for 35, not just 8, dealer violations and expands escrow requirements to include dealer sales of mobilehomes on foundations.

STATUS: Passed Senate 39-0, Assembly 60-19, signed Chapter 713, Statutes of 2002.

Support: Department of Housing and Community Development, California Mobilehome Resource and Action Association, Golden State Manufactured-Home Owners League.

**SB 1795 (Costa) – Enforcement of Permit to Operate Fees.**

Owners of employee housing, mobilehome parks, and special occupancy (RV) parks must obtain an annual 'permit to operate' from, and pay an annual permit fee to, the Department of Housing and Community Development (HCD). Names and addresses of the park and the operator are included on the permit application. This bill requires all 'permit to operate' applications to include the social security number of the park owner and the taxpayer identification number of the business to enable the state to effectively enforce payment of annual fees from those parks that are delinquent in paying the state.

STATUS: Pending Senate Housing Committee, dropped by the author.

Support: Department of Housing and Community Development, California Mobilehome Resource and Action Association.

**SUBLETTING MOBILEHOMES IN THE PARK**

There are approximately 5,000 mobilehome parks in California housing about 650,000 residents. Most mobilehome parks do not permit subletting by homeowners of their homes in a mobilehome park, although park management often rents mobilehomes it owns in the park to tenants or park employees. Mobilehome owners, who experience sudden job changes, such as military reassignment, or convalescence due to health problems, often find they cannot sell their homes quickly in such circumstances. Some of these homeowners have experienced financial hardship in not being able to sublet their homes until they are either sold or they can resume living there.

**SB 1410 (Chesbro) – Homeowner Subletting**

This bill would allow subletting for up to 12 months in cases of the homeowner's absence due to medical convalescence upon a doctor's authorization. The bill authorizes management to adopt reasonable subletting rules, including a rule fixing the minimum term of rental or subleasing at 6 months and provides that the management may not reject a sublessee for residency unless he/she does not have the financial ability to pay the rent or charges or, based on prior tenancies, will not comply with the park rules. The bill provides that its provisions do not affect rental agreements entered into before January 1, 2003 that prohibit subletting. Mobilehome owners contend that park rules prohibiting homeowners from subletting their homes can create a hardship for those who are hospitalized or go into temporary convalescence due to health reasons but must continue to pay rent on an empty home until the resident returns or the home is sold.

STATUS: Passed Senate 22-9, Assembly 53-22, signed Chapter 672, Statutes of 2002.

Support: Golden State Manufactured Home-Owners League, California Mobilehome Resource and Action Association, Gray Panthers.

Opposition: Western Manufactured Housing Communities Association, California Mobilehome Park Owners Alliance.

### **RESIDENT OWNED MOBILEHOME PARKS**

Since the 1980's about 150 rental mobilehome parks have converted to some form of either resident or non-profit ownership. Resident-owned parks (ROP's) are usually subject to several complicated property tax provisions as well as common interest development (CID) laws. A limited state loan program provides assistance to some lower income residents who buy into a park converted to resident ownership.

### **SB 2092 (Senate Rev & Tax Committee) – Mobilehome Property Tax Laws**

This omnibus tax bill makes various, mostly minor, changes in property tax laws, including three relating to mobilehomes: 1) changes the term "mobilehome" in Revenue & Taxation Code sections relating to property taxation to "manufactured home;" 2) clarifies that senior or disabled homeowners of non-profit or membership resident-owned mobilehome parks (ROP's) may take their Proposition 13 adjusted base year tax value from one home to another; and 3) makes various technical changes in the exclusion of mobilehome accessories with a value of \$50 or less from the collection of property taxes.

STATUS: Passed Senate 38-0, Assembly 79-0, signed Chapter 775, Statutes of 2002.

Support: State Board of Equalization.

Opposition: Western Manufactured Housing Communities Association

### **AB 643 (Lowenthal) - Registration of Common Interest Developments.**

This bill requires that a common interest development (CID), that may include a resident owned mobilehome park, by January 1, 2005, submit to the Secretary of State specified information about the association, including, among others, the name, address and daytime telephone number of the association's president and managing agent, the location of the CID, and number of separate interests in the development. The Secretary of State is authorized to charge a fee of \$30 to each association for processing this information, and incorporated associations that fail to comply may lose their corporate status as of 2006. The information shall be available to the Business, Transportation and Housing Agency and the Legislature. Proponents of the bill believe that it is necessary for the state to know what, and how many, CID associations exist in California.

STATUS: Passed Senate 21-10, Assembly 51-27, signed Chapter 1117, Statutes of 2002.

Support: Executive Council of Homeowners (ECHO).

**AB 2866 (Keeley) - Right of First Refusal**

Currently, the Mobilehome Residency Law requires a mobilehome park owner, who lists or offers a park for sale, to provide a 30-day notice of intent to sell to a resident organization formed to buy the park – where the organization has complied with certain requirements, including notice to the park owner of the residents' desire to buy the park. This bill repeals these requirements and instead provides that a resident organization, which has complied with specified notice and other provisions and where low-income persons occupy 30% of the spaces or the park is proposed to be converted to another use, shall have a 30-day right of first refusal to buy the park on the same terms as offered by the park owner to another party.

STATUS: Failed passage Assembly Floor: 27-32.

Support: Golden State Manufactured Home-Owners League, California Mobilehome Resource and Action Association, Congress of California Seniors, Gray Panthers of California. Opposition: Western Manufactured Housing Communities Association, California Mobilehome Parkowners Alliance.

**RESIDENT-OWNED PARK CONVERSIONS & RENT CONTROL**

Rental mobilehome parks can be converted to resident ownership (ROP's) as a non-profit corporation, a stock cooperative, a condominium or a subdivision. If a mobilehome park is subdivided into lots for sale to residents, the subdivider has to comply with the Subdivision Map Act, requiring a subdivision map to be approved by the local jurisdiction. Local government can impose various conditions on subdivision maps, but for park conversion to resident ownership state law limits these conditions to providing that residents must be offered the option to buy their lots or continue to rent using a specified rent formula. The formula specifies that rents of low-income residents can only be increased by the percentage of the consumer price index (CPI), but rents for non low-income residents can be increased to market level in equal increments over 4 years. The owner of the Eldorado Mobile Country Club Park filed a subdivision map with the City of Palm Springs to convert the park to an ROP. Palm Springs has a local rent control ordinance governing rents in mobilehome parks. The city council, concerned about protecting affordable housing for non-purchasing residents, imposed three additional conditions on the map not provided for in state statute. The park owner sued to compel approval without the three conditions, claiming the effective date of conversion, and thus exemption from the city's rent ordinance, was when one lot was sold and that the city did not have the power to impose more stringent conditions. The lower court ruled in the city's favor, but in March 2002 the 4<sup>th</sup> District Court of Appeal reversed (El Dorado Palm Springs, Ltd., v. City of Palm Springs), ruling the city was limited to the scope of



assuring compliance with requirements of the state's statute and opining that whether more protections are needed to prevent "sham" resident conversions is a legislative issue.

**AB 930 (Keeley) – Resident Survey of Support for Conversion**

This bill originally dealt with the Cal Home program but, due to the above-mentioned case, was amended in June to address the issue of whether parks converted to resident ownership under the Subdivision Map Act are 'bona fide' resident conversions. The bill requires the subdivider to obtain a survey of support from residents of each occupied space in the park for the proposed conversion, pursuant to a written ballot, the results of which shall be submitted to the local agency with the filing of the tentative or parcel map to be considered as part of the map hearing process. The bill also adds legislative intent language regarding 'bona fide' conversions of parks to resident ownership.

STATUS: Passed Senate 21-11, Assembly 50-27, signed Chapter 1143, Statutes of 2002.

Support: Golden State Manufactured Home-Owners League, California State Association of Counties, California Mobilehome Resource & Action Association, Congress of California Seniors, League of California Cities, Western Center on Law & Poverty.

Opposition: California Mobilehome Park Owners Alliance, O'Melveny & Myers, The Loftin Firm, San Diego County Assessor, Western Manufactured Housing Communities Association.

**MOBILEHOME LEASES & RENTAL AGREEMENTS**

A rental agreement or lease normally governs residency in a mobilehome park. The Mobilehome Residency Law provides that homeowners must be offered a 12-month rental agreement if they ask the management for it, or a rental agreement for a lesser term, such as month-to-month. Park owners may also offer rental agreements in excess of 12 months that, by state law, are exempt from any local rent control ordinance.

**AB 2079 (Jackson) – Prospective Homeowners – Agreements of 12 Months or Less**

Currently most parks require prospective homeowners, buyers of mobilehomes in the park, to sign a rent control-exempt lease over 12 months as a condition of tenancy. Homeowners contend parks thereby make it more difficult for them to sell their homes and that prospective homeowners should have the same right as homeowners to opt for 12-month or lesser term agreements. This bill would prohibit a park from requiring a

prospective homeowner to sign a long-term lease as a condition of tenancy and provides that prospective homeowners shall be offered a rental agreement for a term of 12 months or less if they request it. The bill also permits a park to offer a long-term promotional

lease agreement that includes lower rents during the first 12 months of the lease.

STATUS: Failed passage Assembly Floor: 29-27.

Support: Golden State Manufactured Home-Owners League, California Mobilehome Resource and Action Association.

Opposition: Western Manufactured Housing Communities Association, California Association of Realtors, California Mobilehome Park Owners Alliance.

### **SATISFACTION OF HOMEOWNERS' DEBTS TO MOBILEHOME PARKS**

When the park management evicts a mobilehome owner, and after proper notice legal owners or lienholders of the home do not satisfy the payment of park back rent and other expenses, the park may obtain a warehouseman's lien and sell the home to satisfy the lien. Alternatively, if rent has not been paid for 60 days and the mobilehome is unoccupied, the park may seek a judicial declaration of abandonment and, after notice to any registered owner or lienholder, conduct a public sale of the home. Upon the death of a homeowner, an heir has the right to resell the home in place unless the heir of the deceased does not satisfy the deceased homeowner's responsibilities for rent and other charges to the park at the time of the homeowner's death. In that case, management may require the mobilehome to be removed from the park.

**AB 2812 (Pescetti) – Park Warehouseman's Lien for Deceased Homeowner's Rent.**

Park owners contend that the Mobilehome Residency Law does not provide parks with a specific remedy to resolve debts owed to a park by a deceased homeowner. This bill establishes a procedure for the park to collect a debt where there is no heir, joint tenant or personal representative of the deceased homeowner, or the heirs do not satisfy the homeowner's responsibilities at the time of death. The bill provides that after a 60-day notice, posted on the home and mailed to the registered owners and lienholders, the park may acquire a warehouseman's lien for unpaid rents and charges and conduct a sale of the home to satisfy the lien.

STATUS: Dead bill.

Support: Western Manufactured Housing Communities Association.

Opposition: California Mobilehome Resource and Action Association

## **FINANCING MANUFACTURED HOMES**

Mobilehomes and manufactured homes that are installed in mobilehome parks are normally not affixed to a permanent foundation and for property tax and financing purposes are classified as personal property. Lenders are often not willing to provide financing for these homes, or will provide financing only at a higher interest rate.

### **SB 1564 (Polanco) – Task Force on Financing of Manufactured Homes.**

With the increasing cost of housing in California, lower income families and seniors are finding it difficult to find affordable housing. Although manufactured homes offer a more affordable price, when consumers cannot obtain financing or can obtain financing only at higher interest rates, consumers find that manufactured homes are really not all that affordable. This bill would have required the Department of Housing and Community Development (HCD) to convene a task force of industry, financial, consumer

and governmental representatives to come up with strategies to lower the financing costs of manufactured housing, including long-term financing and more attractive amortization

schedules for low and moderate-income buyers, and report their recommendations to the Legislature by July 1, 2003. This bill was amended in the last days of session to address, instead, the use of transfer fees for financing the operation and maintenance of common interest developments.

STATUS: Passed Senate 29-7, failed passage Assembly Housing Committee .

Support: California Manufactured Housing Institute, California Mobilehome Resource and Action Association.

Opposition: Department of Housing & Community Development

## **MISCELLANEOUS MOBILEHOME AND RELATED BILLS**

### **SB 1821 (Dunn) – Omnibus Senate Housing Committee Bill**

An omnibus housing bill contains technical, clean-up, and non-controversial provisions of law relating to housing. This measure, among other provisions, extends the deadline for the adoption of regulations for the Special Occupancy Park Act (SOPA) from October 30, 2002 to October 30, 2003 and the effective date of the SOPA from January 1, 2003 to January 1, 2004.

STATUS: Passed Senate 23-12, Assembly 48-30, signed Chapter 1038, Statutes of 2002.

Support: Department of Housing and Community Development.

**SB 1935 (Costa) – Commercial Coaches – Change of Terminology**

Commercial coaches, trailer coaches and special purpose trailer coaches are transportable structures designed for human occupancy for industrial, professional or commercial purposes (offices, classrooms, etc.) regulated by the Department of Housing and Community Development (HCD). The modular housing industry contends that the terminology for these structures is outdated. This bill renames these structures as "commercial modulars."

STATUS: Passed Senate 37-0, Passed Assembly 72-0, Chapter 98, Statutes of 2002.

Support: Modular Building Industry.

**AB 2096 (Dutra) – Mobilehome Salespersons – Unemployment Insurance**

Unemployment insurance is required of most employers, with specified statutory exemptions. California exemptions include real estate brokers and direct sales salespersons but not manufactured home or mobilehome dealer-brokers. Both real estate and mobilehome dealer brokers sell used mobilehomes or manufactured homes. This bill would exempt manufactured home salespersons from the definition of 'employee' under state unemployment insurance law if specified conditions were met.

STATUS: Pending Assembly Insurance Committee, dead.

Support: California Manufactured Housing Institute, Western Manufactured Housing Communities Association.

Opposition: American Federation of State, County & Municipal Employees, California Labor Federation AFL-CIO.

**AB 2190 (J.Campbell) – Extension of Lease on State Park Land.**

The El Morro Mobilehome Park in Orange County is located in Crystal Cove State Park on property purchased by the state some years ago for use as a public state park. In 1998, the state extended a deadline for closure of the mobilehome park until January 2003. This bill would require that on January 1, 2003 the Dept. of Parks and Recreation extend the lease for any willing mobilehome owner located in El Morro by 5 years.

STATUS: Pending Assembly Water, Parks & Wildlife Committee, dead.

Support: Author.

**AB 2298 (Bogh) – Senior Housing.**

The Unruh Civil Rights Act prohibits discrimination in housing against families with children but permits senior housing developments that are designed to meet the physical and social needs of seniors. Mobilehomes are exempt by definition as a "dwelling unit" under the senior requirements of the Unruh Act, but mobilehome parks are subject to the federal Fair Housing Amendments Act – requiring a senior park to have at least one person 55 and older in no less than 80% of the units in the park. Parks do not have to have special facilities for seniors under the federal act. This bill repeals the special facilities requirements for senior housing under the Unruh Act and adopts the federal act's standard for senior housing in California. This bill also repeals the exemption for mobilehomes defined as "dwellings" – bringing mobilehome parks under the Unruh Act for purposes of senior housing.

STATUS: Pending Senate Housing Committee, dead.

Support: Author, California Mobilehome Resource and Action Association.

### **AB 2495 (Correa) – Four Unit Maximum on Manufactured Homes Deleted**

Current law provides that a manufactured home located in a mobilehome park cannot exceed two stories in height or contain more than four dwelling units. This bill would delete the four dwelling units per structure limit but still require the installation of these units in parks to comply with local density requirements.

STATUS: Passed Assembly 77-0, Senate 38-0, signed Chapter 1065, Statutes of 2002.

Support: California Manufactured Housing Institute.

### **RELATED LANDLORD-TENANT ISSUES**

Two major conventional landlord-tenant bills were approved in the 2002 part of the session and signed by the Governor. These issues do not affect most mobilehome owners or parks, but they may impact parks that rent out mobilehomes they own, or homeowners who sublet to tenants. These bills are included for informational purposes only.

### **SB 1403 (Kuehl) - 60 Days Notice of Termination**

Except for specified cities in Los Angeles County, current landlord-tenant law permits termination of residential tenancies (not mobilehome parks governed by the Mobilehome Residency Law) with a 30-day notice. This bill, among other requirements, provides that until January 1, 2006 an owner of a residential dwelling must give at least a 60-day notice of termination, or a 30-day notice if the tenant has resided in the unit for less than a year.

STATUS: Passed Senate 21-14, Assembly 42-23, signed Chapter 301, Statutes of 2002.

Support: Association of Community Organizations for Reform Now (ACORN), California Rural Legal Assistance, Western Center on Law & Poverty, others.

Opposition: California Apartment Association, others.

### **AB 2330 (Migden) – Return of Security Deposits**

Current law limits security deposits to double the amount of the rent in conventional residential rental units (triple for furnished units). In today's market this can often amount to more than \$1,000. The law also requires that the landlord refund any unused deposit within 3 weeks of the tenant's vacancy along with an itemized list of damages for which any of the deposit was used to cover. This bill requires landlords, upon the tenant's request, to conduct an inspection of the rental unit at least two weeks before the tenant vacates and provide the tenant with an itemized list of damages to allow him/her to make minor repairs that would enable the tenant to get back as much of the security deposit as possible. The bill also increases the penalty for a landlord who retains a security deposit in bad faith from \$600 to twice the amount of the security deposit.

STATUS: Passed Assembly 42-23, Senate 21-13, signed Chapter 1061, Statutes of 2002.

Support: Association of Community Organizations for Reform Now (ACORN), Service Employees International Union, Western Center on Law & Poverty, others.

Opposition: California Apartment Association, California Association of Realtors, others.

### **Index to major groups and associations supporting or opposing mobilehome bills:**

#### ***Mobilehome Owners' Associations and Tenants' Groups:***

**California Mobilehome Resource and Action Association (CMRAA)**

**California Rural Legal Assistance (CRLA)**

**Golden State Manufactured-Home Owners League (GSMOL)**

**Western Center on Law and Poverty**

#### **Seniors' Organizations**

**American Association of Retired Persons (AARP)**

**Congress of California Seniors**

**Gray Panthers of California**

**Mobilehome and Manufactured Home Park Owners and Real Property Groups:**

**California Association of Realtors (CRA)**

**California Mobilehome Park Owners Association**

**Western Manufactured Housing Communities Association (WMA)**

**Manufactured Home and Mobilehome Manufacturers and Dealers:**

**California Manufactured Housing Institute**

**Governmental Entities**

**California Department of Housing and Community Development (HCD)**

**California State Association of Counties (CSAC)**

**League of California Cities**