

## **2008 Semi-Final Manufactured Housing/Mobilehome & Related Bill List Summary**

### **SENATE BILLS**

**SB 127 (Kuehl) – Resale Disclosure:** Current law requires that, in the case of the transfer of real property or the sale of a mobilehome or manufactured home, the resale or transfer disclosure statement (TDS) shall be made as soon as practical before transfer of title. This bill requires the TDS to be made no later than 10 days, or in the case of the sale of an interest in a common interest development - 20 days, after execution of the purchase agreement but permits the parties to negotiate a written provision that the transferor may deliver the TDS instead as soon as practical before title transfer.

Sponsor: Author; Support: Golden State Manufactured-Home Owners League, Executive Council of Homeowners, Gray Panthers

Opposition: Unknown

Status: **Passed Senate 21-16, Assembly 49-27, VETOED by the Governor.**

**SB 541 (Alquist) – Income Requirements for Residency:** The original version requiring park management to consider the purchaser's financial assets as well income to approve residency failed passage in 2007 in the Assembly. These provisions were removed, and the bill now deals with unrelated health care facilities.

Status: **Passed Senate 24-12, failed passage in Assembly 30-31, granted reconsideration, but amended to deal with health care facilities not relevant to mobilehomes. Original Bill Dead.**

**SB 900 (Corbett) – Park Condo Conversion:** Amended in Assembly to extend rent protections, currently limited to low-income residents, to median income park residents under the Subdivision Map Act when mobilehome parks are converted to condominium resident ownership.

Sponsor: GSMOL; Support: CMRAA, others.

Opposition: WMA, CMPA, others

Status: **Passed Senate 22-16, held in Assembly Housing for testimony only. Bill Dead.**

**SB 1057 (Migden) – Rent Control & Mobilehome Values:** Makes legislative findings and declarations concerning the importance of mobilehomes as a source of housing for low and moderate income persons, the establishment of local rent control for mobilehome park spaces to protect fixed-income residents, including seniors, and the placement value of mobilehomes in parks. The apparent purpose of this legislation is to help resolve a conflict between two federal district court opinions relating to the value of homes under local rent control, one which held the homeowner's equity is limited to salvage value, and the other which held it is placement value.

Sponsor: Unknown; Support: Unknown

Opposition: Unknown

Status: **Amended on Senate Floor, pending in Senate Rules Committee. Bill Dead**

**\*SB 1107 (Correa) – Disabled Accommodations:** Provides that park management cannot deny a homeowner the right to install disabled accommodations to make the home or space accessible for disabled persons, including outside ramps, as long as the installation of those facilities meets code requirements; also permits homeowners of any age to have caregivers reside with them in their home for health care reasons without paying additional rent for that person.

Sponsor: Author; Support: GSMOL, CA Alliance Retired Americans, CA Commission on Aging

Opposition: Candace Hamilton, Folsom, CA

Status: **Passed Senate Floor 36-0 and Assembly 74-0, Signed by the Governor, Chapter 170.**

**SB 1122 (Correa) – Mobilehome Park Inspections:** Establishes authority for special “strike forces” or dedicated inspectors to address code enforcement in parks with serious violations upon local petition; and authorizes an existing HCD advisory task force to recommend changes in the state’s park inspection program to the Legislature by 2010.

Sponsor: Author; Support: GSMOL, CRLA, Gray Panthers, CA Alliance Retired Americans.  
Opposition: CMPA, WMA, HCD.

Status: **Passed Senate Floor 21-15, passed Assembly Housing Com. 4-1, held on the Assembly Approps. Suspense file. Bill Dead.**

**SB 1226 (Alquist) – Mobilehome Park Infrastructure Rehabilitation:** Authorizes HCD’s CalHome program to fund infrastructure improvement in mobilehome parks inhabited by low and very low income residents and for parks where there is a joint-application from a local agency and a mobilehome park owner.

Sponsor: City of San Jose  
Support: GSMOL, CMRAA.  
Opposition: Unknown

Status: **Passed Sen. Trans & Housing 7-4, held on Senate Approps. Suspense file. Bill Dead.**

**\*SB 1234 (Correa) – Entering Homeowners’ Enclosed Accessory Structures – Consent:** The previous version that provided park management shall give homeowners a 3-day notice before entering a homeowner’s space for the purpose of inspecting the premises for park rule violations was defeated on the Senate floor. The May 20<sup>th</sup> amended version provides that management must obtain written permission from the homeowner, like the home, to enter an enclosed accessory structure except in an emergency or because of abandonment.

Sponsor: Author  
Support: GSMOL, CRLA, CA Congress of Seniors, CA Alliance for Retired Americans, Western Center on Law & Poverty

Opposition: Unknown.

Status: **Failed passage 18-20 on Senate Floor, reconsideration granted, amended and passed 23-13, passed Assembly 75-0, signed by the Governor, Chapter 115.**

**SB 1386 (Lowenthal) – Carbon Monoxide Warning Devices:** Requires the installation of carbon monoxide alarms for residential dwellings with fuel gas burning heaters upon sale or when a permit is required for alterations or repairs at various dates after June 30, 2010. The bill applies to factory built housing and multiple residential housing complexes but does not specifically include mobilehomes or manufactured homes. However, upon sale the bill requires that owners of mobilehomes or manufactured homes disclose on their transfer disclosure statement (TDS) to buyers whether or not the home has a carbon monoxide warning device.

Support: National Fire Protection Association, Residential Fire Safety Institute, Safe Kids California, State Association of Electrical Workers Unknown, Fire Districts Association, AARP, SEMBRA Energy, and various electrical worker unions

Opposition: Unknown

Status: **Passed Senate 27-9, Passed Assembly 49-22, VETOED by the Governor.**

**SB 1433 (Wyland) – Housing Element Law – Mobilehome Parks:** Current law requires local governments to adopt a housing element for their general plan that includes projected housing needs, policies, goals, and scheduled programs for preservation and development of housing to meet their share of regional housing needs. Local governments must identify

**SB 1433 (continued)** . . . adequate sites for housing, including rental housing, factory-built housing and mobilehomes for all economic segments. This bill would prohibit local governments that have enacted a mobilehome park rent control ordinance from including mobilehome parks in their housing element in order to meet their share of the regional housing need for low, very low, or moderate income households.

Sponsor: WMA; Support: Unknown

Opposition: Unknown

Status: **Held in Senate Trans. & Housing Committee. Bill Dead.**

**\*SB 1452 (Correa) – Mobilehome Dealer & Manufacturer Licensing – Penalties:**

Increases administrative fines on a sliding scale for violations or repeated violations of specified occupational licensing law and factory-built housing act provisions and authorizes HCD to deny an applicant a mobilehome dealer or salesperson license based on civil judgment grounds relating to moral turpitude and the functions and duties related to licensure.

Sponsor: HCD; Support: GSMOL

Opposition: Unknown

Status: **Passed Senate Floor 25-14, passed Assembly 49-29, Signed by the Governor, Chapter 750.**

**\*SB 1498 (Senate Judiciary Committee) – Code Maintenance Omnibus Bill:**

Each session the Judiciary Committee sponsors a non-substantive clean-up bill to correct various technical errors and outdated sections or language in the various codes and statutes. This bill, among many other provisions, makes a technical correction in Mobilehome Residency Law relating to resale of a mobilehome in a park.

Sponsor: Senate Judiciary Committee; Support: Unknown

Opposition: Unknown

Status: **Passed Senate Floor, 37-0, Assembly 78-0, Signed by the Governor, Chapter 179.**

### **ASSEMBLY BILLS**

**AB 567 (Saldana) – Common Interest Development Bureau:** The Davis-Stirling Common Interest Development Act (the Act) regulates common interest developments (CIDs), which may include some resident-owned mobilehome parks. This bill would establish a Common Interest Development Bureau under the Department of Consumer Affairs to, among other things, offer training materials and courses to CID directors, officers, and owners in the operation of a CID and the rights and duties of the association and owners. The bill would require the Bureau to accept complaints from any interested party upon request and investigate and assist in resolving disputes and alleged violations involving the Act or CID governing documents. The bill would impose a biennial fee of \$10 on each separate interest within a CID association to support the Bureau's functions and also require CID directors and community managers to certify they have read their governing documents and the Act. The Bureau would sunset on January 1, 2014.

Sponsor: Author; Support: California Law Revision Commission, Exec. Council of Homeowners  
Opposition: California Alliance of Consumer Protection, Community Association

Institute (CAI); Department of Consumer Affairs, Sun City Palm Desert.

Status: **Passed Assembly 41-25, Passed Senate 21-18, Assembly concurrence 42-29, VETOED by the Governor.**

**AB 822 (Levine) – Recycling - Multiple Residential Facilities:** Requires, as of July 2009, that residential facilities consisting of five or more living units arrange for recycling services for the residential complex consistent with state and local requirements. The bill could affect mobilehome parks of five or more spaces.

Sponsor: Californians Against Waste; Support: Allied Waste Services.

Opposition: California Apartment Association, Office of Planning and Research.

Status: **Passed Assembly 47-26, to Senate Floor Inactive File. Bill Dead.**

**AB 952 (Mullin) – Common Interest Development Assessments:** Under the Davis-Stirling Common Interest Development Act, which also regulates some resident owned mobilehome Parks (ROP's), the board of directors may impose regular annual assessment increases up to 20% of the previous year's assessment without a vote of the homeowners. This bill would require the board to meet with homeowners who request a payment plan for regular and special assessments within 60 days of the noticed assessment. Where evidence indicates a need for such a plan, the bill requires the board to offer such a plan for at least 3 years in length with reasonable fees for administering the plan. The bill also provides that any association liens for the assessments be suspended for the duration of the payment plan as long as payments are made under the plan.

Sponsor: Author; Support: CA Alliance for Retired Americans, CAR, CRLA, Gray Panthers, GSMOL, League of Cities, Western Center on Law and Poverty.

Opposition: California Associations Institute, Executive Council of Homeowners (ECHO), Sun City Roseville Community Association

Status: **Passed Assembly 45-32, Passed the Senate 23-16, Assembly Concurrence 45-28, VETOED by the Governor.**

**AB 1069 (Cook) – Abandoned Mobilehomes on Highways:** Treats mobilehomes and manufactured homes, when abandoned on public highways and determined by law enforcement as a public hazard, to be vehicles subject to removal pursuant to the Vehicle Abatement Act.

Sponsor/Support: County of Riverside

Opposition: Auto Club of Southern California, California State Automobile Association

Status: **Passed Assembly 76-0, pending in Senate Trans & Housing Committee. Bill Dead.**

**AB 1111 (DeSauliner) – Senior Mobilehome Parks:** Provides cities and counties with the authority to adopt ordinances to prevent mobilehome park management without local approval from changing or striking a park rule limiting residency to seniors in order to make the park open to all ages.

Sponsor: GSMOL; Support: League of Cities, City of American Canyon, Hemet, others

Opposition: CMPA, WMA

Status: **Passed the Assembly 44-28, failed passage in Senate 15-21, placed on Inactive File. Bill Dead.**

**\*AB 1892 (Smyth) - Common Interest Developments – Solar Energy Systems:** Amends the Davis-Stirling Act relating to regulation of common interest developments (CID's), which also includes some resident owned mobilehome parks (ROP's), to prohibit any covenant or restriction on the deed from limiting or prohibiting the installation of solar energy or solar heating systems in a homeowner's separate interest (home) upon resale of that interest.

Sponsor: California Solar Energy Industries Association; Support: PG&E;

Opposition: Unknown

Status: **Passed Assembly Floor 76-0, Passed Senate 35-0, Signed by the Governor, Chap. 40.**

**AB 1921 (Saldana) – Common Interest Developments – Davis-Stirling Act Revised:**

Makes numerous, mostly non-substantive, revisions in the Davis-Stirling Act relating to the regulation of common interest developments, which also includes some resident owned

Sponsor: Law Revision Commission

Support: Sun City, Roseville

Opposition: Civil Justice Association of CA

Status: **Passed Assembly 77-0, pending in Senate Trans. & Housing Committee. Bill Dead.**

**\*AB 2016 (Assembly Housing & Community Development Com.) – Omnibus Housing Bill:**

By combining multiple, non-controversial or minor changes to statute in one bill rather than separate bills, the Legislature can be more cost-effective. Among approximately 20 proposed but unopposed changes relating to housing, this bill imposes penalties for licensed contractors who do not obtain a permit for performing work on manufactured housing; provides that replacement of gas burning furnaces in manufactured homes do not have to be specifically listed for use in manufactured homes, like current law for gas burning water heaters; and renumbers parts of the code relating to special occupancy parks and organized camps.

Sponsor: Assembly Housing and Community Development Committee; Support: Unknown

Opposition: Unknown

Status: **Passed Assembly 75-0, passed Senate 25-12, Assembly Concurrence 42-0, Signed by the Governor, Chapter 664.**

**\*AB 2050 (Garcia) – Smoke Alarms Water Heaters in Mobilehomes:** Requires all used mobilehomes and manufactured homes sold after January 1, 2009 to be equipped with smoke alarms in every sleeping room and requires all new and used mobile and manufactured homes on sale or resale to have fuel-burning water heaters strapped or seismically braced for earthquakes. For used mobilehomes, the seller must sign a declaration that the water heater is braced within 45 days of transfer of title.

Sponsor: HCD

Support: GSMOL, CMHI, WMA, Western Center on Law and Poverty, others.

Opposition: Unknown

Status: **Passed the Assembly 60-11, Passed Senate 31-1; Concurrence 63-10, Signed by the Governor, Chapter 737.**

**\*AB 2554 (Mullin) – Mobilehome Parks Act – Inspections:** Requires the Department of Housing (HCD) to assume responsibility for code inspection in mobilehome parks from local agencies which give up enforcement responsibility pursuant to agreements with HCD within 90 days after notice by the local agency, rather than the current law's 30 day notice. The bill also provides a formula for returning fee revenue to HCD at the time of relinquishment of authority.

Sponsor: HCD

Support: WMA; Opposition: Unknown

Status: **Passed Assembly Floor 75-0, Senate 35-0, signed by the Governor, Chapter 138.**

**AB 2586 (Torricono) – Notice of Utility Termination & Notice to Quit on Property****Foreclosure:**

Revises various protections afforded tenants under existing law relating to the return of security deposits and prohibitions against changing locks, cutting off utilities, or blocking access to premises, so that lenders or other successors in interest, not just landlord property owners must honor these protections after a foreclosure sale on the property; The bill also provides that public

**(SB 2586 continued)** ...utilities must notify renters, including tenants of multi-unit dwellings and mobilehome parks, by mail instead of posting, of the termination of utility service because the landlord failed to pay the utility bill and requires notice to be in 5 specified languages; the bill provides that tenants or sub-tenants in conventional tenancies who are given notice to move due to foreclosure on the property, or by virtue of default under a conditional sale contract or pursuant to sale under a deed of trust, shall be given a 60-day notice to quit, rather than 30 days.

Sponsor: Western Center on Law & Poverty

Support: California Alliance of Retired Americans, CRLA, Gray Panthers, others.

Opposition: California Association of Bankers, California Association of Mortgage Lenders, California Credit Union League.

Status: **Passed the Assembly 44-31, passed the Senate 21-15, Concurrence 44-29, VETOED by the Governor.**

**AB 2733 (Brownley) – Real Property Resale Disclosure:** Current law requires various disclosures upon resale of residential property or mobilehomes or manufactured homes that are real property, including various earthquake, fire, or flood hazards. This bill would require that additional specified environmental hazards within ¼ mile on the property shall be identified for land proposed to be subdivided on the notice filed with the Department of Real Estate under the Subdivided Lands Act and a specified notice provided to the transferee or purchaser before any transfer or purchase occurs.

Sponsor: Unknown; Support: Natural Resources Defense Council; Property I.D.

Opposition: California Association of Realtors

Status: **Passed the Assembly 46-27, Passed the Senate 24-13, Concurrence 50-28, VETOED by the Governor.**

**AB 2806 (Karnette) – Common Interest Developments – Board Education Requirements:**

Current law requires the Department of Real Estate and Department of Consumer Affairs, to the extent funding is available, to create an online education course for the board of directors of common interest developments (CIDs). CID's may also include some resident owned mobilehome parks (ROP's). This bill would require a CID board member or candidate for a board position, on or after July 1, 2010, to certify to the board that he or she has completed an educational course on the law of common interest developments and if so the date of course completion. The association must include those statements in any ballot materials for a board member election.

Sponsor: Community Associations Institute; Support: Congress of California Seniors, Executive Council of Homeowners (ECHO)

Opposition: California Alliance for Retired Americans

Status: **Passed Assembly 46-31, Passed Senate 27-11, VETOED by the Governor.**

**\*AB 2857 (Lieber) – Mobilehome Park Master Metered Parks – CARE Program:**

Provides that residents in mobilehome parks who are master-metered for electric and gas shall not be denied eligibility for the CARE utility discount program by the California Public Utilities Commission because the park has some units or spaces that are not sub-metered.

Sponsor: GSMOL; Support: California Catholic Conference of Bishops; California Public Utilities Commission - Division of Ratepayers Advocates

Opposition: Unknown

Status: **Passed the Assembly 76-0, Passed the Senate 34-0, Concurrence 78-0, Signed by the Governor, Chapter 536.**

**\*AB 2863 (Leno) – Master Meter Customers & Solar Energy Rates:** Current law provides that the master-meter park must charge each user at the same rate the regulated utility would charge. This bill makes changes in the definition of an independent solar energy producer that produces power for its residents, and provides that a master-meter customer, including a mobilehome park receiving gas or electricity from a regulated utility or receiving electricity from an independent solar energy producer, may not charge each end user at a rate that exceeds the lesser of the independent solar energy producer's or the electric utility's respective rates.

Sponsor: Solar Alliance; Support: Open Energy, Public Utilities Commission.

Opposition: California Association of Realtors, CA Land Title Association.

Status: **Passed Assembly 76-0, Passed Senate 39-0, Concurrence 77-1, Signed by the Governor, Chapter 535.**

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*Status as of October 1, 2008*

*\*New Laws Signed and Effective for 2009*

*May not include all bills affecting mobilehomes or manufactured homes in some indirect or minor ways*

Legend of organizations & terms used in text:

CAR	= California Association of Realtors
CMPA	= California Mobilehome Park Owners Alliance (park owners)
CMRAA	= California Mobilehome Resource & Action Association (homeowners)
CRLA	= California Rural Legal Assistance (affordable housing advocates)
GSMOL	= Golden State Manufactured-home Owners League (homeowners)
HCD	= Department of Housing and Community Development (state)
MRL	= Mobilehome Residency Law
WMA	= Western Manufactured Housing Communities Association (park owners)