

2003

MOBILEHOME BILLS

compliments of

Senator Joe Dunn

Chair - Senate Select Committee on Mobile and Manufactured Homes

Final summary and status of bills relating to mobilehomes, manufactured homes, and mobilehome parks, introduced in the California Legislature in 2003.

The list is also available at www.sen.ca.gov/mobilehome

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2003 MOBILEHOME BILLS

October 14, 2003

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**2003 FINAL SUMMARY of MOBILEHOME & RELATED BILLS
as of October 14, 2003***

HEALTH & SAFETY CODE ENFORCEMENT

Background: Mobilehome parks must comply with state uniform Health and Safety Code requirements. The Department of Housing & Community Development and delegated local agencies are responsible for conducting inspections to enforce these code requirements.

SB 37 (Dunn) – Fines for Failure to Repair Serious Violations

This bill would give the enforcement agency the authority to levy fines for violations of the Mobilehome Parks Act that constitute a serious risk to life and health and which are not fixed within two weeks of a citation. Support: CMRAA, GSMOL Opposition: CMPA
STATUS: passed Senate in another form, pending in Assembly Housing Committee, 2-year bill.

SB 54 (Dunn) – Enforcement Agency Follow-through & Lot Line Permits

This measure responds to longtime complaints about the alleged lack of enforcement agency follow-through with complainants about code violations and the arbitrary movement of lot lines between homes in parks. Specifically, SB 54 clarifies that it is the intent of the Legislature that inspectors notify complainants of the date they are going to visit the park to inspect their complaint, in order to give complainants an opportunity to be there, and that the enforcement agency follow through with the complainant by telling them the results of the inspection. The bill also requires park owners to obtain a permit from the enforcement agency, for a fee, to move or alter a lot line affecting a homeowner in the park and to submit a plot plan to the agency for the altered lot or lots. Support: CMRAA, GSMOL, Congress of Calif. Seniors. Opposed: Dept. of Finance.

STATUS: Passed Senate 37-0, Assembly 52-22. Governor signed as Chapter 815, 9/12/03.

TERMINATION OF TENANCY & EVICTION

Background: Most mobilehome park residents are both homeowners and tenants – they own their own homes but rent the space on which the home is located and are thus subject to eviction. The Mobilehome Residency Law requires a longer notice for termination of tenancy (60 days) than conventional landlord-tenant law (30 days) and provides that mobilehome owners can only be evicted for certain (just cause) reasons, such as failure to pay the rent, violation of a park rule or violation of a law relating to mobilehomes. However, if a homeowner is evicted, he or she normally has to move the home out of the park or lose it to the park on a warehouseman's lien.

AB 624 (Lieber) – Mobilehome Owner Eviction and Resale of Home

AB 624 deals with issues involving termination of tenancy and the sale of a mobilehome in the park. AB 624 would prohibit the park management from terminating tenancy based on facts that the park owner does not have reasonable cause to believe are true or based upon a theory that is untenable under the facts known to the park owner (violations of this section could subject the park to damages up to \$5,000 and attorney and court costs). AB 624 also addresses the issue of parks imposing arbitrary financial requirements on prospective homeowners to qualify for

residency in the park. The bill specifies that in approving home buyers for residency in the park, a park cannot require buyers to have a monthly gross income greater than 3 times the combined sum of the monthly rent, utility charges, park fees and their monthly loan payment on the mobilehome. Support: CMRAA, GSMOL, Congress of Calif. Seniors, Consumer Attorneys of California. Opposition: CMPA, WMA.

STATUS: Failed Assembly Floor 31-13, reconsideration granted, to Inactive File. DEAD

AB 767 (Nakano) – Eviction for Specified Crimes

Mobilehome owners residing in mobilehome parks can only be evicted for just cause, including violation of a law and conviction of prostitution or a felony drug offense on the park premises. This bill adds to the list of crimes for which a conviction can lead to the homeowner's eviction, to include child molestation, arson, battery with serious bodily harm, and assault with a firearm.

Support: WMA, CMPA, GSMOL. Opposition: Unknown.

STATUS: Passed Assembly 78-0, Senate 38-0, Governor signed as Chapter 388, 9/17/03.

AB 805 (Diaz) – Notice of Termination for Late Rent

A mobilehome owner who does not pay rent within the first 5 days of the month may be served with a 3-day notice to pay or be terminated in 60 days. Late payment of rent within the three days cures the default. But if the homeowner's rent is past due more than 3 times within a 12-month period, the park does not have to accept the rent and may terminate the tenancy in 60 days. This bill requires that parks provide mobilehome owners with an additional notice at the top of the 3-day notice stating how many 3-day notices they have already received within the preceding 12-month period and warning that if they are late in paying their rent more than 3 times in a year they will be subject to eviction without a further 3-day notice.

Support: CMRAA, Congress of Calif. Seniors, WMA. Opposition: Unknown

STATUS: Passed Assembly 73-0, Senate 40-0, Governor signed as Chapter 85, 7/22/03.

AB 831 (Goldberg) – Time Extension for Unlawful Detainer & Writ of Possession

If a mobilehome owner refuses to move after the 60-day termination, the park management will file for an unlawful detainer (UD) action in court. Upon receiving a summons pursuant to the UD complaint, the homeowner has 5 days to respond. If the court orders the homeowner evicted, the homeowner has 5 calendar days to move out once a writ of possession has been issued by the court. This measure affects both conventional as well as mobilehome park tenancies and would, except for so-called 'nuisance evictions', give tenants and homeowners 10 rather than 5 days to respond to an unlawful detainer summons. Additionally, AB 831 would give homeowners and tenants 5 business days, rather than 5 calendar days, to move after issuance of a writ of possession. Support: Los Angeles Housing Law Project, Congress of Calif. Seniors, Gray Panthers, GSMOL, Western Center on Law & Poverty, others.

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

STATUS: Failed Assembly Floor 33-33, reconsideration granted, to Inactive File. DEAD

AB 1059 (Lieber) – Landlord Retaliatory Eviction - Damages

Current law provides that a landlord who retaliates against tenants through malice, fraud or oppression by evicting them for exercising any of their rights under the law, such as filing a health and safety code complaint or participating in a tenants' or homeowners' association, shall be liable for punitive damages of \$100 to \$1,000. This measure raises this limit for landlord misconduct to \$2,000 and would specify that such misconduct would include landlord theft or extortion, use or threat of force, menacing conduct or threats which interfere with a tenant's quiet enjoyment, and landlord's right to enter and inspect or repair to dwellings other than at 'normal hours' and where notice is given. The bill applies to both conventional tenancies and mobilehome parks. Support: CMRAA, GSMOL, Western Center on Law & Poverty.

Opposition: WMA, CMPA, California Apartment Association, others.

STATUS: Passed Assembly 43-33, Senate 21-13, Governor signed as Chapter 542, 9/29/03.

MOBILEHOME SALES & MOBILEHOME DEALERS

Background: Most mobilehome park residents own their homes in the park but rent the space where the home is installed. Mobilehomes are usually bought and sold in place in the park, but the sale of a mobilehome is a three-party transaction; not only must the buyer and sellers agree, the park owner/management also has the right to approve or reject a buyer for park residency. The Dept. of Housing and Community Development (HCD) licenses and regulates mobilehome dealers. It is estimated that agents, either real estate brokers or mobilehome dealers perform the majority of mobilehome resales, although only mobilehome dealers can sell new mobile or manufactured homes. But many homeowners handle the resale of their homes themselves without agents. Mobilehome resales require sellers to provide transfer disclosure statements (TDS) to buyers disclosing problems or code violations to buyers of which the sellers are aware.

SB 116 (Dunn) - Mobilehome Resale Disclosure

Mobilehome park residents are usually aware of the Mobilehome Residency Law (MRL). But residents who handle the resale of their own homes in the parks are often not aware of resale disclosure requirements (TDS) because the requirements appear in codes relating to real estate, not mobilehomes. To better inform mobilehome owners, part of this measure provides a notice in the MRL identifying the mobilehome resale disclosure forms required to sell a mobilehome in the park and where they can be found. The bill also deals with political signs (see page 4).

Support: CMRAA, GSMOL, Congress of CA. Seniors. Opposition: Unknown.

STATUS: Passed Senate 30-1, Assembly 73-0, Governor signed as Chapter 249, 9/2/03.

SB 305 (Ducheny) – Mobilehome Dealer Penalty Clean-up Provisions

HCD can assess civil penalties against mobilehome dealers for more than 30 violations of occupational licensing laws. This bill corrects a mistaken cross-reference relating to advertising of costs and document preparation fees relating to dealers and makes minor technical changes in the Predevelopment Loan Program. The bill also transfers administration of the Enterprise Zone Program to HCD unrelated to mobilehomes. Support: HCD. Opposition: Unknown.

STATUS: Passed Senate 39-0, Assembly 77-0, the Governor signed as Chapter 430, 9/22/03.

AB 624 (Lieber) – Resale of Home - Approval of Prospective Buyers

See same bill under Termination of Tenancy (pages 1 & 2) Support: CMRAA, GSMOL, Congress of Calif. Seniors, Consumer Attorneys of California. Opposition: CMPA, WMA. STATUS: Failed Assembly Floor 31-13, reconsideration granted, to Inactive File. DEAD.

AB 682 (Corbett) – Resale of Home Pending Termination of Tenancy

Current law requires a 60-day notice of termination for a homeowner being evicted from a mobilehome park and gives the homeowner 60 days to remove the home from the park. Parks usually will not permit homeowners subject to termination and eviction to sell their homes in place during the 60 days. This bill permits a homeowner, who is terminated, at their election, to either move his/her home from the park or sell it during the 60-day period. The homeowner, upon selling the home, must pay all past due rents and charges.

Support: GSMOL, Congress of CA Seniors. Opposition: WMA, CMPA.

STATUS: Passed Assembly 47-28, Senate 24-12, signed by Governor as Chapter 561, 9/29/03

AB 1572 (Lieber) – Manufactured Home Recovery Fund (MHRF)

The MHRF permits consumers, who have judgments against mobilehome dealers based on fraud and other illegal acts that cannot be collected against the dealer, to file their claims for up to \$40,000 each against the fund. This bill extends the amount of time to file a claim and makes other changes to make the fund more flexible and effective for consumers.

Support: Department of Housing (HCD), GSMOL. Opposition: Unknown.

STATUS: Passed Senate 39-0, in Assembly for concurrence, Unfinished Business File.

THE MOBILEHOME RESIDENCY LAW (MRL) – Miscellaneous Issues:

Background: The MRL is the ‘landlord-tenant law’ for mobilehome parks, found in the California Civil Code. The MRL spells out the rights and obligations of the park owner/management and mobilehome owners (residents) relating to a myriad of issues, such as notices of rent increases, rental agreements, use of the common facilities, etc. State or local government agencies do not enforce these Civil Code provisions. If a dispute arises the park management or the homeowner must seek enforcement or damages through the courts.

SB 116 (Dunn) – Right to Display A Political Sign

The MRL currently affords park residents the right to have meetings, including political speakers, in a park clubhouse and to distribute non-commercial materials door-to-door. This bill prohibits parks from denying homeowners the right to display at least one political sign (lawn sign) up to 6-square feet in their yard or in the window of their home 3 months prior to an election. The sign may relate to campaigns for a candidate for public office, an initiative, referendum or recall. The bill also deals with resale disclosure (see page 3). Support: CMRAA, GSMOL. Opposition: Unknown.

STATUS: Passed Senate 30-1, Assembly 73-0, the Governor signed as Chapter 249, 9/2/03.

SB 740 (Dunn) – Homeowners’ Right of 1st Refusal to Buy the Park

The MRL now gives mobilehome owners in parks, under certain circumstances, the right to a 30-day notice that the park will be put up for sale. This bill would instead give homeowners, where the park is to be converted to another use or where the park has 30% low income residents as defined, a 45-day right of first refusal to purchase the park when the park is put up for sale.

Support: GSMOL. Opposition: WMA.

STATUS: Pending Sen. Judiciary Com., 2-year bill.

AB 693 (Corbett) – Legal Damages for Violation of MRL

The MRL provides that the park management may be liable for up to \$2,000 in statutory damages for each ‘willful violation’ of the Mobilehome Residency Law in civil court. In the case of *DeAnza Santa Cruz Mobilehome Association v. DeAnza Santa Cruz Mobile Estates*, the California Appellate court ruled that punitive damages could not be awarded in addition to MRL damages for ‘willful violations.’ Although this bill would not allow a plaintiff to collect both damages, it provides that a homeowner or former homeowner may elect recovery of either statutory MRL damages or punitive damages.

Support: GSMOL, Consumer Attorneys of California. Opposition: WMA, CMPA.

STATUS: Passed Assembly 48-27, Senate 23-13, the Governor signed as Chapter 98, 7/22/03.

AB 1173 (Haynes) – Mobilehome Rent Control Exemptions

Approximately 100 California local jurisdictions have mobilehome park rent control ordinances. The MRL exempts a park space from local rent control where that space is not the homeowner’s principal residence but presumes the space is the principal residence unless the park can show the homeowner has a homeowner’s property tax exemption for another California property. However, a mobilehome on such a space that is “actively” for sale remains subject to rent control. This bill provides that a space is also exempt from rent control if it can be shown from public records that a homeowner’s principal residence is out of state and for purposes of this provision requires a mobilehome for sale to be actively marketed and advertised in good faith to bonafide purchasers. Support: WMA. Opposition: Unknown

STATUS: Passed Assembly 76-0, Senate 36-0, the Governor signed as Chapter 132, 7/28/03.

AB 1287 (Lieber) – Disclosure of Space Rent, Fees to Prospective Homeowners

The MRL now requires mobilehome parks to provide prospective homeowners buying a home in a park with a checklist describing the existence and condition of specified park common facilities. This bill also requires a park to provide prospective homeowners, within two days of receiving a resident application for a specific space, a form disclosing the rent for that space, park fees and charges, a statement informing the prospective homeowner that residents must follow the park rules, and disclosure that if they sign a rental agreement for more than 12 months they are exempt from any local rent control ordinance. The bill provides that the management must provide the prospective homeowner, who requests it, a copy of the park rules and the Mobilehome Residency Law. Lastly, the bill provides that the park management may require the existing homeowner to notify the management when the homeowner puts his or her home up for sale. Support: GSMOL, Congress of CA Seniors. Opposition: CMPA.

STATUS: Passed Assembly 71-3, Senate 22-13. Governor signed as Chapter 767, 9/12/03.

HOME PURCHASE & REHABILITATION LOANS

Currently, the Department of Housing & Community Development (HCD) administers the CalHome program providing funds to participating local governments and non-profit agencies for home improvement and rehabilitation loans for lower-income homeowners. Additionally, the Department of Veterans Affairs administers the Cal Vet program providing loans to qualifying veterans for conventional homes and mobilehomes.

SB 120 (Margett) – Revolving Home Improvement Loan Program

This bill establishes a program within the state Department of Aging to provide no-interest home improvement loans to qualified elderly and disabled individuals to assist them with daily activities and prevent injury in order to allow them to remain safely in their homes. The program shall only be implemented when, and to the extent that, funding is provided in the Budget Act.

Support: Author. **Opposition:** Unknown.

STATUS: Senate Housing Committee, hearing cancelled at request of the author. DEAD

AB 1036 (Mullin) – Cal Vet Loans for Mobilehomes

Currently the Cal Vet loan limit for the purchase of a mobilehome located in a mobilehome park is \$70,000. This bill, among other changes, increases the maximum limit on Cal Vet loans on mobilehomes sited in parks to \$120,000.

Support: State Department of Veterans Affairs. **Opposition:** Unknown.

STATUS: Passed Assembly 77-0, Senate 39-0, signed by the Governor as Chapter 441, 9/22/03

PRESERVING LOW-INCOME AFFORDABLE HOUSING

Background: Local redevelopment agencies are authorized by state law to preserve affordable housing. At least 30% of all new and rehabilitated dwelling units developed by a redevelopment agency must be affordable to persons and families of low or moderate income, as well as 15% of such dwelling units developed within a project area by public or private entities other than the agency. To comply with these requirements, a redevelopment agency may purchase long-term affordability covenants on multifamily dwelling units that restrict the cost of renting or purchasing those units. Although a redevelopment agency may issue bonds to finance the purchase of mobilehome parks by non-profit organizations, only the City of Lancaster's redevelopment agency, until January 1, 2006, is authorized to purchase long-term affordability covenants on mobilehome parks, restricting space rents or purchase costs of the mobilehomes, to satisfy redevelopment inclusionary housing requirements.

AB 1089 (Dutton) - Affordability Covenants in Mobilehome Parks

This measure, until January, 2010, would authorize all redevelopment agencies to purchase, or otherwise acquire, long-term affordability covenants that restrict the cost of renting or

purchasing mobilehomes in mobilehome parks in which residents rent spaces and either rent or own the mobilehome occupying their spaces.

Support: Author. Opposition: Unknown

STATUS: Pending Assembly Committee on Local Government, 2-year bill.

COMMON INTEREST DEVELOPMENTS (including MOST RESIDENT-OWNED PARKS)

Background: Since the early 1980's, the idea of converting rental parks to resident ownership (ROP's) has grown in popularity among mobilehome owners seeking alternatives to avoid continued rent increases or possible displacement if their park is closed or converted to another use. In 1984 the Legislature enacted the Mobilehome Park Resident Ownership Program (MPROP) (SB 2240, 1984) administered by HCD to provide loans to lower income mobilehome residents to help them buy and convert their parks to resident ownership. Since 1984, there have been an estimated 150 mobilehome parks converted to some form of resident ownership, approximately 60 with assistance from the MPROP. Most ROP parks, while still mobilehome parks for purposes of health and safety code requirements, have homeowners' associations that operate the park and are also governed by the Davis-Stirling Common Interest Development Act.

SB 306 (Ducheny) – Mobilehome Park Resident Ownership Loan Program (MPROP)

Among other technical provisions, this measure makes changes in the state's MPROP program, to provide that upon release of individual spaces from regulatory agreements in a MPROP funded park, the spaces will not have to be resold only to low-income persons who occupy them.

Support: HCD. Opposition: Unknown.

STATUS: Passed Senate 39-0, Assembly 78-0, Governor signed as Chapter 814, 9/12/03.

AB 104 (Lowenthal) – Member Access to Accounting Books

This bill amends the Davis-Stirling Act to require a homeowners' association that manages a common interest development (CID) to make the association's books of account and minutes of proceedings, except privileged records, including those protected by the attorney-client privilege, and accounting records that reveal specific names, social security numbers or could lead to identity theft, available for inspection and copying by a member of the association. The bill provides that a court may assess a civil penalty of \$500 where the association unreasonably denies such access to the books or records.

Support: Congress of California Seniors, Gray Panthers. Opposition: Executive Council of Homeowners, CA Assn. of Community Managers.

STATUS: Passed Assembly 73-1, Senate 26-10, signed by Governor as Chapter 375, 9/17/03

AB 210 (Nation) – Smoking in CID's

This bill prohibits, as of January 1, 2006, the smoking of tobacco in common areas and units of multifamily residential housing (apartments or CID's), except units designated by the property owner or manager as smoking units. The bill also provides that the drifting or blowing of tobacco smoke into the separate interest of another person in a common interest development

(CID) shall be considered a statutory nuisance and permit assessment of civil fines or penalties for violation of this provision. Support: Author. Opposition: Unknown.

STATUS: Pending Assembly Housing Committee, 2-year bill.

AB 512 (Bates) – CID Homeowner Association Rulemaking

This bill adds provisions to the Davis-Stirling Act establishing procedures for adoption of operating rules by homeowner associations and giving members the right to make comments on such rules. The bill would also require that when rule changes are proposed, the text of the rule changes be made available to members and that association records, as specified, be made available to members. This measure enacts some of the recommendations of the California Law Revision Commission, which has been conducting an ongoing review of CID laws for several years. Support: Community Associates Institute. Opposition: Unknown.

STATUS: Passed Assembly 77-0, Senate 39-0, signed by the Governor as Chapter 557, 9/29/03.

AB 1525 (Longville) – Right to Display Posters and Signs

This bill provides that CID governing documents shall not prohibit posting or displaying of non-commercial signs, flags, posters or banners on or in any owner's separate interest or dwelling, subject to certain restrictions, including a 15-square foot maximum size and consideration of public health and safety. Support: American Civil Liberties Union. Opposition: Some CID associations.

STATUS: Passed Assembly 57-12, Senate 27-9. Signed by Governor as Chapter 774, 9/12/03.

PROPERTY TAXATION & RENTERS ASSISTANCE

Background: Current law provides for a homeowners' property tax exemption on a principal place of residence of \$7,000 of the assessed value of the dwelling. Current law also provides a state Renters Tax Credit on state personal income taxes of \$60 for individuals and \$120 for couples/heads of households, if a state income tax is paid against which the credit can be offset.

AB 82 (Dutton) – Homeowners' Exemption and Renters Credit

This bill would increase, starting on January 1, 2004, the homeowners' property tax exemption to \$32,000, adjusted each year thereafter for inflation, and the Renters Tax Credit to \$185 for single persons and \$370 for couples and heads of households. The bill would also apply to owners of mobilehomes subject to local property taxes as well as anyone who rents a space in a mobilehome park. Support: California Association of Realtors. Opposition: Unknown.

STATUS: Held in the Assembly Revenue & Taxation Committee. DEAD.

AB 211 (Maze) – Homeowners' Exemption

This bill would increase the homeowners' property tax exemption to \$17,000 for homeowners 62 years of age or older, beginning with assessment years that start on January 1, 2004. The measure could affect owners of mobilehomes subject to local property taxes.

Support: California Senior Legislature. Opposition: California Tax Reform Association.

STATUS: Held in the Assembly Revenue & Taxation Committee. DEAD.

2003 Mobilehome Bills

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* Bills signed by the Governor effective January 1, 2004 unless otherwise indicated.

This is a summary of the major bills introduced in 2003 that may directly affect mobilehome owners, mobilehome parks, residents of rental or resident-owned mobilehome parks, mobilehome buyers or mobilehome dealers and salespersons. It is not an exhaustive list of every bill that may somehow indirectly affect these parties. More details about each bill in this list, including copies of actual bills, committee analyses, and legislative voting records can be obtained from the legislative web site: www.leginfo.ca.gov

Legend of Abbreviations

CMPA	= California Mobilehome Parkowners Alliance (park owners)
CMRAA	= California Mobilehome Resource & Action Association (mobilehome owners)
HCD	= Department of Housing and Community Development (state agency)
GSMOL	= Golden State Manufactured Home Owners League (mobilehome owners)
WMA	= Western Manufactured Housing Communities Association (park owners) Communities Association (park owners)

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