

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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**NOTICE OF PROPOSED RULEMAKING****TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
(MOBILEHOME PARKS, SPECIAL OCCUPANCY PARKS AND MANUFACTURED HOUSING)**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD), proposes to amend existing regulations and adopt new regulations governing Mobilehome and Special Occupancy Parks and Manufactured Housing.

PUBLIC HEARING**HCD HAS NOT SCHEDULED A PUBLIC HEARING ON THIS PROPOSED ACTION.**

HCD will hold a public hearing if a written request is received from any interested person or his/her authorized representative no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

The public hearing facilities will be accessible to individuals with disabilities. Please notify the contact person on this notice at least 10 working days prior to the public hearing if additional services are needed.

If Paratransit services are needed, please contact it directly at (916) 429-2744/ TDD (916) 429-2568. Sacramento Regional Transit will have public transit available the day of the public hearing. For possible routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327), or on-line at www.sacrt.com.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on **December 17, 2012**, in order to be considered. Written comments may be submitted by mail, e-mail, or facsimile as follows:

By mail to: Department of Housing and Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712 ATTN: Ruth Ibarra

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, HCD may adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text.

With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

Health and Safety Code (HSC) section 18300 grants HCD the authority to adopt regulations governing mobilehome parks, HSC section 18865 grants HCD the authority to adopt regulations governing special occupancy parks, HSC section 18015 grants HCD the authority to adopt regulations for manufactured housing and HSC 18029 grants HCD the authority to adopt regulations for alterations and conversions of mobilehomes and manufactured housing. These regulations implement and interpret HSC sections 18000 through 18153 (Manufactured Housing Act), 18200 through 18700 (Mobilehome Parks Act), and 18860 through 18874 (Special Occupancy Parks Act). The actual text of these statutes is available on the official California Legislative information website at: <http://www.leginfo.ca.gov>

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

The Manufactured Housing Act is contained in the HSC section 18000, et seq. Specifically, Chapters 3 and 4 establish requirements for enforcement and standards. The Mobilehome Parks Act (MPA) and the Special Occupancy Parks Act (SOPA) contained in HSC section 18200, et seq. and section 18860, et seq. were enacted for the benefit of mobilehome and special occupancy park operators, residents and users to assure their health, safety and general welfare, to provide them a decent living environment, and to protect the investments in their manufactured homes, mobilehomes, multifamily manufactured homes (MH-unit), and recreational vehicles.

Summary of Existing Regulations

Uniform statewide standards were developed to assure owners, operators, residents, and users of mobilehome and special occupancy parks, protection from risks to their health and safety. The Manufactured Housing Program standards govern the construction, alteration and inspection of mobilehomes and manufactured homes to ensure the safety of the occupants and their guests. Current regulations now require amendments to meet the needs of the regulated public.

Summary of Effect of Proposed Regulatory Action

The purpose of these changes is to update the existing regulations for mobilehome parks, special occupancy parks, and manufactured housing.

The California Code of Regulations (CCR), Title 25 sections affected by this rulemaking (see "Sections Affected," below), and the specific purpose for each adoption, amendment, or repeal contained in the proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action. Other non-regulatory editorial amendments also have been made throughout the amended chapters. These proposed actions will enhance the clarity and applicability of the current regulations.

The issues include amending the definitions, the reference to the applicable building code for one and two family dwellings, including manufactured home installations and their accessory structures from the California "Building" Code to the California "Residential" Code, clarification of local plan approvals, extension procedures for permits, clarification of resident and park management responsibility within parks, electrical plan clarification, commercial modular installation allowances, adjustment to footing tables to reflect the soil allowance of the California Residential Code, limit the use of fuel-burning appliances in cabana's.

Additionally, amendments to the regulations relating to manufactured housing include provisions for permit extension to mirror the process with in mobilehome parks, and the removal of antiquated, outdated references and the updating to current references for the alteration, addition or conversion of a mobile/manufactured home.

Statement Regarding Inconsistency or Incompatibility with Existing State Regulations

HCD finds that these proposed regulations are not inconsistent or incompatible with existing state regulations.

SECTIONS AFFECTED:

Following are the specific sections of Chapters 2, 2.2, and 3 affected by this proposed action:

- Add Chapter 2, sections 1142 and 1336.4, Chapter 2.2, section 2142, and Chapter 3, section 4041.5
- Amend Chapter 2, sections 1002, 1018, 1020.9, 1034, 1038, 1048, 1102, 1180, 1317, 1320, 1333, 1335.5, 1336.2, 1422, 1438, 1462, 1606, and 1750.
- Amend Chapter 2.2, sections 2002, 2018, 2020.9, 2034, 2038, 2048, 2102, 2112, 2317, 2327, 2328, 2422, 2438, 2496, and 2750.
- Amend Chapter 3, sections 4011, 4040, and 4050.

POLICY STATEMENT OVERVIEW:

The Mobilehome and Special Occupancy Parks Programs within HCD are responsible for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately-owned mobilehome and special occupancy parks within California. In addition, the Manufactured Housing Program within HCD administers the construction, alteration and conversion of commercial modular, special purpose commercial modular and multifamily manufactured homes, and monitors their design and construction through third party agencies.

HCD is proposing to amend regulations relating to the Mobilehome Parks Act, Special Occupancy Parks Act, and the Manufactured Housing Program.

SMALL BUSINESS IMPACT STATEMENT

Small businesses are not affected by these regulations. The proposed regulations are only to clarify the existing regulations. Additionally, the proposed regulations are a benefit to small business owners by allowing a permit to be extended and not requiring the added expense of purchasing another permit for the same work.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments and adoptions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. In fact, the proposed regulations are a benefit to businesses by allowing a permit to be extended and not requiring the added expense of purchasing another permit for the same work.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Health and Welfare Benefits for California Residents, Worker Safety and the State's Environment

HCD proposes to amend existing and add new regulatory language to provide clear and concise statewide preemptive standards. There is not cost involved in the implementation of these changes. Their adoption will not only provide the benefit of providing the regulated public with improved health and safety standards due to the use of updated, clear and concise statewide standards, but will help standardize the application of codes used for MH, mobilehome, MFMH and CM units and mobilehome parks in California.

HCD proposes to modify or replace existing regulatory language to provide clear and concise statewide preemptive standards. HCD has determined that implementing these proposed regulations will not only provide the regulated public with improved health and safety due to the use of updated, clear and concise statewide building standards, but will help standardize the building codes used for MH, mobilehome, MFMH and CM units constructed for use in California. The proposed amendments will allow any *new* MH, mobilehome, MFMH and CM units manufactured prior to September 1, 2008, to meet the WUI standards. These units typically meet the roofing and siding requirements of WUI standards, therefore would only need to meet the requirement to move the eave fence.

HCD has determined that these proposed regulations are necessary to maintain consistency with the health and safety requirements throughout California for the protection of California manufactured home residents.

HCD has determined that these proposed regulations present no benefits to worker safety or the state's environment.

Assessment of Job/Business Creation Or Elimination

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES STATEMENT

HCD must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on HCD's website at the following address:

<http://www.hcd.ca.gov/codes/announcements/publicnotices.html>

Questions regarding the regulatory process may be directed to:

Ruth Ibarra, Associate Governmental Program Analyst
Telephone Number: (916) 327-2796/ Fax (916) 327-4712
E-mail: ribarra@hcd.ca.gov

Clarification regarding the substance of this regulatory proposal may be directed to:

Brad Harward, Manufactured Housing Programs Manager
Telephone Number: (916) 324-4907/ Fax (916) 327-4712
E-mail: bharward@hcd.ca.gov

Written comments may be submitted by any of the following methods:

By mail to: Department of Housing and Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712 ATTN: Brad Harward