

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

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**January 30, 2009**

**INFORMATION BULLETIN 2009-01 (SHL, OL, FBH, MH, MP/SOP)**

**TO: City and County Building Officials  
Interested Parties  
Division Staff  
Mobilehome and Special Occupancy Parks**

**SUBJECT: 2008 LEGISLATIVE CHANGES**

This Information Bulletin summarizes the legislative changes for 2008 to California laws that impact housing construction and maintenance in California. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin became effective on January 1, 2009, unless otherwise specified in the legislation.

**Chapter 170, Statutes of 2008 (Senate Bill No. 1107, Correa) amends Section 798.34 and 799.9 of, and adds Sections 798.29.6 and 799.11 to, the Civil Code, relating to mobilehome parks.**

- Civil Code Sections 798.34 and 799.9 of the Mobilehome Residency Law are amended to allow a mobilehome owner or resident of any age to share his or her home with a live-in caregiver as specified in these provisions.
- Civil Code Sections 798.29.6 and 799.11 are added to the Mobilehome Residency Law to allow homeowners and residents to install accessibility accommodations for the disabled provided the installation complies with codes and all permits required are obtained. This addition also authorizes park management to require homeowners to remove any installed accommodations at the time of the home's removal or prior to the completion of the sale of the mobilehome in the park. The added Sections specify that the provisions of this act are nonexclusive and shall not supersede other provisions of law relating to accessibility or accommodations for the disabled.

**Chapter 115, Statutes of 2008 (Senate Bill No. 1234, Correa) amends Section 798.26 of the Civil Code, relating to the consent necessary to enter private mobilehomes or enclosed accessory structures in mobilehome parks.**

- Civil Code Section 798.26 of the Mobilehome Residency Law is amended to clarify that mobilehome park owners or management must have written consent prior to entering an enclosed accessory structure, excluding cases of emergency.

**Chapter 172, Statutes of 2008 (Senate Bill No. 1258, Lowenthal) adds Sections 17922.12 and 18941.7 to the Health and Safety Code and 14877.1 to the Water Code, relating to building standards.**

- Health and Safety Code Section 17922.12 is added to require HCD to develop and prepare for adoption standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses during the next triennial building standards adoption cycle on or after January 1, 2009.

This new Section also requires the Department to consult experts in specific fields germane to water quality and its delivery, ensure protection and compliance with federal water quality laws, consider existing research, impact on humans, and the circumstances under which graywater is recommended to be used with residential occupancies in California and the country.

- Health and Safety Code Section 18941.7 is added to permit a city, county, or other local agency to adopt, after a public hearing and enactment of an ordinance or resolution, graywater building standards that are more restrictive than those adopted by the department, or to prohibit the use of graywater entirely.
- Water Code Section 14877.1 is amended to terminate the authority of the Department of Water Resources to adopt and update standards for the installation, construction, and alteration of graywater systems in residential buildings as authorized by existing law, at the time of approval by the CBSC of graywater standards adopted under this Section.

**Chapter 750, Statutes of 2008 (Senate Bill No. 1452, Correa) amends Sections 18021.7, 18050.5, and 19997 to the Health and Safety Code, relating to manufactured housing.**

- Health and Safety Code Section 18021.7 is amended to add citation and civil penalty authority for violations of Health and Safety Code Sections 18020(d) and 18026 by a licensee (manufactured home, mobilehome, multifamily manufactured home, or commercial modular manufacturer, dealer, or salesperson) or a Department approved third-party agency.
- Health and Safety Code Section 18050.5 is amended to authorize the Department to revoke or refuse to issue an occupational license if the applicant had been held liable in a civil court action for any act or conduct that

involved moral turpitude and that is substantially related to the qualifications, functions, or duties of the licensed activity.

- Health and Safety Code Section 19997 is also amended to provide citation and penalties for Department approved factory-built housing third-party agencies that are found to be in violation of Health and Safety Code Sections 19980, 19991.3, or 19991.4. Citation authority is an initial administrative remedy in addition to the existing administrative remedy for revocation of certification and statutory authority for misdemeanor prosecution of any third-party agency found to be in violation.

**Chapter 179, Statutes of 2008 (Senate Bill 1498, Committee on Judiciary) among other Codes unrelated to the Department's activities amends Section 798.73, of the Civil Code relating to mobilehome parks.**

- Civil Code Section 798.73 is amended to make a technical correction in the Mobilehome Residency Law relating to the resale of a mobilehome in a park.

**Chapter 40, Statutes of 2008 (Assembly Bill 1892, Smyth) amends Section 714 of the Civil Code, relating to common interest developments.**

- Civil Code Section 714 is amended to prohibit any governing documents for common interest developments such as resident owned mobilehome parks, along with any covenant, condition 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.

**Chapter 664, Statutes of 2008 (Assembly Bill No. 2016, Committee on Housing and Community Development) amends Sections 65400, 65583, 65583.2, 65584.04, 65584.05, 65588, 66427.1, and 66452.21 of, amends and renumbers Sections 66452.8 and 66452.9 of, adds Sections 66452.19 and 66452.20 to, and repeals Sections 66452.14 and 66452.15 of the Government Code, and amends Sections 18029, 18031.7, 18897, 18897.2, 18897.4, 18897.6, 18897.7, 50675.14, and 50802 of, and amends and renumbers the heading of Part 2.3 (commencing with Section 18897) of Division 13 of the Health and Safety Code, relating to housing.**

- Health and Safety Code Section 18029 is amended to require any person who fails to file the required application for alteration or conversion of a manufactured home, mobilehome, multifamily manufactured home, special purpose commercial modular or commercial modular to pay double the application fees, as specified, or for subsequent failures to file within a 5-year period, pay 10 times the application fee as specified.

**Chapter 737, Statutes of 2008 (Assembly Bill No. 2050, Garcia) amends Section 18031.7 of, and repeals and adds Section 18029.6 of the Health and Safety Code, relating to manufactured housing.**

- Health and Safety Code Section 18031.7 is amended to allow the replacement of appliances for comfort heating with fuel-gas appliances for comfort heating not specifically listed for use in manufactured homes or mobilehomes.

This amendment requires that all fuel-gas-burning water heater appliances installed in new and existing manufactured homes or multifamily manufactured homes, or existing mobilehomes be seismically braced, anchored, or strapped either by the time of installation for new manufactured homes or multifamily manufactured homes, or upon the sale, rent, or lease of an used manufactured home, multifamily manufactured home or mobilehome.

This amendment provides that on or before July 1, 2009, that the Department promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping, in accordance with existing Earthquake Protection Law or California building standards.

This amendment provides that dealers, manufacturers, contractors, and homeowners be responsible in specific instances for ensuring the water heaters are seismically braced in compliance with the provisions of this Section. In certain instances the transferor must certify to seismic bracing compliance by completing a declaration stating that each water heater appliance is secure and compliant.

- Health and Safety Code Section 18029.6 is repealed and a new Section 18029.6 is added to require, on or after January 1, 2009, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes sold shall have an operable smoke alarm installed in each room designed for sleeping on the date of transfer of title.

This new Section requires original equipment smoke alarms installed in manufactured homes and multifamily manufactured homes on or after September 16, 2002, at time of transfer of title, comply with the Federal Manufactured Housing Construction and Safety Standards Act. For manufactured homes, mobilehomes or multifamily manufactured homes constructed before September 16, 2002, each smoke alarm installed pursuant to this Section shall comply with its listing and installation requirements.

This new Section permits battery-powered smoke alarms when installed in compliance with the listing terms and installation requirements. The alarm

manufacturer's information describing the alarm's operation, maintenance, and testing features must be provided to purchasers for each alarm.

This new Section provides that on or after January 1, 2009, the requirements of this Section shall be satisfied if, within 45 days prior to the date of title transfer, the transferor signs a declaration stating that each smoke alarm is operable and installed per the provisions of this Section on the date the declaration is signed.

- Sections 18029.6 and 18031.7 provide that for sales of manufactured homes or mobilehomes installed on real property pursuant to subdivision (a) of Section 18551, as to real estate agents licensed pursuant to Division 4 (commencing with Section 10000) of the Business and Professions Code, the real estate licensee liability provisions of subdivisions (e), (f), and (g) of Section 13113.8 shall apply to the disclosures required by this Section.

**Chapter 138, Statutes of 2008 (Assembly Bill No. 2554, Mullin) amends Sections 17050, 18300, 18400.1, and 18865 of the Health and Safety Code, relating to housing.**

- Health and Safety Code Sections 17050, 18300, and 18865 are amended to require the Department to assume enforcement responsibility for the Employee Housing Act, Mobilehome Parks Act, and Special Occupancy Parks Act within 90 days, instead of 30 days, after receipt of written notice from the local agency that is relinquishing its enforcement responsibilities.
- Section 17050 is further amended to require local agencies relinquishing their enforcement responsibilities to remit to the Department any enforcement fees collected but not yet expended. The local agency is required to identify the actual expenditures and remit to the Department the balance of fees collected or pay a percentage based on the time remaining on outstanding permits to operate.
- Sections 18300 and 18865 are further amended to require local agencies relinquishing their enforcement responsibilities to remit to the Department a percentage of fees for permits to operate based on the time remaining before the outstanding permits expire. This amendment also requires these agencies to remit all fees collected for permits to construct or for plan review, or both, for which final approval of the construction has not yet been issued.
- Health and Safety Code Section 18400.1 is amended to reflect the changes in Section 18300 noted above by removing the provision from this Section requiring a local enforcement agency that relinquishes its enforcement authority to the Department to remit annual park inspection fees collected that have not been expended for that purpose.

**Chapter 536, Statutes of 2008 (Assembly Bill 2857, Lieber) amends Section 739.5 of the Public Utilities Code, relating to public utilities.**

- Public Utilities Code Section 739.5 is amended to provide 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.

**Chapter 535, Statutes of 2008 (Assembly Bill 2863, Leno) amends Sections 218, 218.3, and 739.5 of, and to add Article 3 (commencing with Section 2868) to Chapter 9 of Part 2 of Division 1 of, the Public Utilities Code, relating to electricity.**

- Public Utilities Code Section 739.5 is amended and Article 3 (commencing with Section 2868) of Chapter 9 of Part 2 of Division 1 is added to make 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'

This summary of legislative changes is not represented to be a complete digest of all new laws affecting persons regulated by the State Housing Law, the Employee Housing Act, the Mobilehome or Special Occupancy Parks Acts, the Manufactured Housing Act of 1980, or other California law. The complete text of each law can be reviewed through the Official California Legislative information website using the internet address <http://www.leginfo.ca.gov>.

For questions regarding the State Housing Law, Employee Housing Act, or Mobilehome and Special Occupancy Parks Acts requirements, please contact the Department's Housing Standards Program staff at (916) 445-9471. For questions regarding the Manufactured Housing Act of 1980, please contact the Manufactured Housing Program at (916) 445-3338. You may also contact the Department via our web comment site at <http://www.hcd.ca.gov/comments>.

  
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