STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY EDMUND G. BROWN JR., *Governor*

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INFORMATION BULLETIN 2015–07 (MP, RT, OL)

TO: **County Tax Collectors**
Mobilehome Park Owners and Operators
Interested Parties
Division Staff

SUBJECT: Disposal of Abandoned Mobilehomes

The purpose of this Information Bulletin (IB) is to inform mobilehome park owners and other stakeholders affected by the recent adoption of AB 999 (Chapter 376, Statutes of 2015). Effective January 1, 2016, AB 999 provides the authority for disposal of abandoned mobilehomes and manufactured homes obtained after a receipt of judgment of abandonment or through a warehouse lien sale. Upon completion of this new process, a mobilehome park owner may avoid both registering an abandoned mobilehome with the Department of Housing and Community Development (HCD) and subsequently paying all unpaid property taxes and HCD fees[1].

"Dispose" or "disposal" is defined by the new law as both the removal and destruction of an abandoned mobilehome or manufactured home from a mobilehome park, making it unusable for any purpose and not subject to, or eligible for, use in the future as a mobilehome or manufactured home.

BACKGROUND

Generally, any person purchasing a mobilehome or manufactured home, whether at a judgment of abandonment sale, warehouse lien sale, or any other time must transfer title into the name of the purchaser and register the home with HCD's Registration and Titling (R&T) program within 20 days of purchase. The transfer of title requires, among other things, repayment of all outstanding property taxes or HCD license fees. This requirement exists even if the purchaser intends to salvage the unit, and the cost may exceed any economic value of the unit.

In response, the Legislature enacted AB 999, allowing for "disposal" without registration and payment of unpaid property taxes or HCD license fees in limited circumstances. When a mobilehome park owner purchases an abandoned home and proceeds with disposal in accordance with the requirements of the Civil Code, the tax or fee exemptions will apply.

[1] Civil Code section 798.61 after receipt of a judgment of abandonment. Civil Code section 798.56(a) after a warehouse lien sale.

Procedures for Disposal of Abandoned Mobilehomes

HCD has developed and is making available instructions to facilitate compliance with the new law. The attached instructions describe all items necessary for a mobilehome park owner to provide to HCD before and after disposing a mobilehome/manufactured home, and prior to receiving an HCD Disposal Certificate.

The attached instructions will be available to all mobilehome park owners and its agents who seek to dispose of abandoned mobilehomes or manufactured homes and qualify for the exemptions.

Mobilehome park owners may develop and use their own checklists; however, HCD staff must ensure that all requirements listed in the attached instructions have been satisfied prior to issuing an HCD Disposal Certificate.

Questions or concerns regarding this information bulletin may be directed to Rebecca Salazar, R&T Program Manager, at (916) 263-5420 or by email sent to transfers@hcd.ca.gov.

Richard Weinert
Deputy Director

Enc:

INSTRUCTIONS FOR DISPOSAL OF A MOBILEHOME/MANUFACTURED HOME

CHECK ONE: ☐ **JUDGMENT OF ABANDONMENT** ☐ **WAREHOUSE LIEN SALE**

USE OF THIS FORM IS VOLUNTARY; IF USED, ALL SECTIONS LISTED BELOW MUST BE COMPLETED AS INSTRUCTED
Failure to comply with any requirement of Civil Code section 798.56a or 798.61 will result in disqualification for a Disposal Certificate and the registration and property tax/fee exemptions

PHASE 1 - INFORMATION REQUIRED BEFORE DISPOSAL

1. Complete and submit the following information (pages 1 and 2) as instructed to HCD along with the $45 disposal processing fee.

HCD Registration and Titling staff will either authorize the application in which the unit may be disposed of and applicant proceeds to submit page 3 as well as all required attachments, or reject the application based on statutory requirements.

MOBILEHOME/MANUFACTURED HOME AND OWNER INFORMATION

Unit Decal (or DMV License Plate) Number: _____

Unit Serial Number(s): _____

Registered Owner Name(s): _____

Mailing Address: _____
Street Address or P.O. Box *City* *State* *ZIP*

Legal Owner Name(s) if Applicable: _____

Mailing Address: _____
Street Address or P.O. Box *City* *State* *ZIP*

Junior Lienholder Name(s) If Applicable: _____

Mailing Address: _____
Street Address or P.O. Box *City* *State* *ZIP*

APPLICANT INFORMATION

Mobilehome Park Owner Name: _____

Park Owner/Agent/Designee Name: _____

Mailing Address: _____
Street Address or P.O. Box *City* *State* *ZIP*

Telephone Number: _____ Email address (optional): _____

Mobilehome Park Name: _____

Mailing Address: _____
Street Address or P.O. Box *City* *State* *ZIP*

Date of Judgment of Abandonment or Warehouse Lien Sale: _____ Date of Intended Disposal: _____

Decal:

PRE-DISPOSAL REQUIREMENTS

Judgment of Abandonment Pre-Disposal Legal Requirements (Provide Copies)

- ☐ The abandonment petition was filed in the county where the mobilehome or manufactured home is located; it included the language required by Civil Code Section 798.61(c)(2)(A), (B) and (D); and a judgment of abandonment was granted.
- ☐ The county tax collector was notified of the petition as required by Civil Code Section 798.61 (c)(2)(C).
- ☐ The notice of intent required by Civil Code Section 798.61(f)(1)(B) was sent to the county tax collector, homeowner, registered owner(s), and holder(s) of security interest(s) as required by Civil Code section 798.(f)(1)(B).

Warehouse Lien Pre-Disposal Legal Requirements (Provide Copies)

- ☐ The county tax collector was notified as required by Civil Code Section 798.56a(e)(1)(A) of the intent to dispose without registration or tax payments.
- ☐ The warehouse lien sale was performed after legal notice to owners/secured interests, public notice, and as otherwise required by law.

APPLICANT ACKNOWLEDGMENT AND SIGNATURE

I apply for authorization to proceed with disposal of the above-described mobilehome/manufactured home from the location shown above in order to be exempted from registration of the unit and payment of property tax/licensees prior to disposal, pursuant to Civil Code Section 798.56(a) (Warehouse lien sale) or 798.61 (Abandonment).

I understand that disposal means the removal and destruction of a mobilehome from a mobilehome park making it unusable for any purpose, and not subject to or eligible for use in the future as a mobilehome.

I agree to file additional information required by Civil Code Section 798.56a or 798.61 with HCD after disposal in order to obtain an HCD Disposal Certificate which qualifies me for exemption from registration of the unit and payment of property taxes/licensees prior to disposal.

I certify under penalty of perjury under the laws of the State of California that the information on pages 1 and 2 is true and correct and that I will comply with all the statutory requirements of Civil Code Section 798.56a or Civil Code Section 798.61, as applicable, prior to disposal.

Executed on _____ at _____
Date *City* *State*

Applicant Signature: _____

Name of Applicant (printed): _____

AUTHORIZATION TO PROCEED WITH DISPOSAL (FOR HCD USE ONLY)

☐ Based on the information provided by applicant, the applicant is authorized to dispose of the above-described mobilehome/manufactured home.

☐ Based on the information provided by applicant, the applicant is not authorized to dispose of the above-described mobilehome/manufactured home for the following reasons:

_____

_____

Signature: _____ Date: _____
HCD Registration and Titling Representative

Decal:

PHASE 2 - INFORMATION REQUIRED AFTER DISPOSAL

1. Submit photographs verifying uninhabitable nature of unit, including:
   - Removal and/or destruction of cooking, heat producing appliances;
   - Destruction or removal of all plumbing fixtures; and,
   - Photographs identifying the unit shown in photographs; e.g.: serial number(s)/HUD label/HCD insignia number(s).
2. Complete and submit the following information (page 3) as instructed to HCD.
3. Provide HCD with the unit HCD insignia or HUD label, Decal and/or DMV License Plate(s) if available. (see below)

NOTE: Upon satisfactory completion of the above instructions, a Department representative will review and issue a Disposal Certificate to the applicant listed on page 1. The Disposal Certificate will include the applicant's name, mailing address and last known address of the disposed unit.

STATEMENT OF FACTS

I/we, the undersigned, hereby state the following is true and correct:

Disposition of the HUD label(s)/HCD Insignia(s): ☐ Destroyed ☐Not Available ☐ Attached

Disposition of the decal or license plates(s): ☐ Destroyed ☐Not Available ☐ Attached

Condition of the mobilehome/manufactured home when moved: _____

Date unit was moved: _____ Date of Disposal: _____

Site of disposal: _____
Street Address *City* *State* *ZIP*

Information of Person or Entity Removing Unit from Park:

Name: _____

Mailing Address: _____
Street Address or P.O. Box *City* *State* *ZIP*

Telephone Number: _____ Business License Number: _____

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I have complied with all the statutory requirements of Civil Code Section 798.56a or Civil Code Section 798.61 mandated after disposal.

Executed on _____ at _____
Date *City* *State*

Mobilehome Park Owner/Agent/Designee Signature: _____

Mobilehome Park Owner/Agent/Designee Name (printed): _____