

**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 AND SPECIAL OCCUPANCY PARKS)**

**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.

**PUBLIC HEARING**

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date: **September 27, 2010**  
Location: HCD (Headquarters)  
1800 3<sup>rd</sup> Street, Room 470  
Sacramento, CA 95814  
Time: 9:00 a.m.

Pre-hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

**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 **September 27, 2010**, 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: [parkregs@hcd.ca.gov](mailto:parkregs@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 section 18300 grants HCD the authority to adopt regulations governing mobilehome parks and Health and Safety Code section 18865 grants HCD the authority to adopt regulations governing special occupancy parks. These regulations implement and interpret Health and Safety Code sections 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 and at: <http://www.leginfo.ca.gov>

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

### **Summary of Existing Laws**

The Mobilehome Parks Act (MPA) contained in the Health and Safety Code (HSC) commencing with section 18200 and the Special Occupancy Parks Act (SOPA) commencing with HSC section 18860 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. 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 and special occupancy parks.

Those sections within Title 25, California Code of Regulations affected by this rulemaking (see "Sections Affected," below), and the specific purpose for each adoption, amendment, or repeal contained in these 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.

### **Summary of Effect of Proposed Amendments**

These proposed regulatory amendments address issues and concerns which were raised by the Legislature, the general public, industry groups, local jurisdictions, other government agencies, and Department field staff. These issues include amending 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, procedures for closing a park, clarification of lot electrical service requirements, LPG tank anchoring requirements, amendments to soil ratings to align with federal standards, Federal Emergency Management Agency (FEMA) requirements for skirting in floodplains, cabana tiedowns, cabana energy requirements, handrail and ramp amendments, and clarifications related to informal hearing procedures. Also included are nonsubstantive, technical and editorial changes.

## **SECTIONS AFFECTED:**

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

- Add Sections 1013, 1052, 1119, 2013, 2052, and 2119
- Amend Chapter 2, Sections 1002, 1018, 1008, 1018, 1104, 1118, 1180, 1211, 1230, 1333, 1334, 1334.2, 1336.1, 1346, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1613, 1615, 1616, 1750, 1754, and 1758.
- Amend Chapter 2.2, Sections 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2613, 2615, 2616, 2750, 2754, and 2756.

## **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.

HCD is proposing to amend regulations relating to both the Mobilehome Parks Act and Special Occupancy Parks Act.

## **SMALL BUSINESS IMPACT STATEMENT**

The only small business impact addressed by these regulations is by legislative mandate. Senate Bill 23 (Stats, 2009 Ch. 551) amended Health and Safety Codes (HSC) 18603 and 18871.8, and required parks to adopt an emergency preparedness plan. The cost of this plan is minimal and only occurs once.

## **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 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.

## **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

There is a slight reduction in costs for private persons that choose to construct a small cabana (room addition) next to their home. The proposed regulations provide prescriptive standards for the insulation of cabanas less than 250 square feet. These standards allow insulation values greater than that of the adjacent home, but not as high as would be required of a larger cabana that would have a greater heat loss. The only cost impact on business from these regulations is the preparation of an Emergency Preparedness Plan for a park mandated by the legislature.

## **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.

## **CONSIDERATION OF ALTERNATIVES**

HCD must determine that no reasonable alternative considered, or has otherwise been identified and brought to the attention of HCD would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **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 the Department's website at the following address:

<http://www.hcd.ca.gov/codes/mp>

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](mailto: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](mailto:bharward@hcd.ca.gov)