

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

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INFORMATION BULLETIN 2008-06 (MP, SOP)

**TO: Mobilehome and Special Occupancy Park Enforcement Agencies
 Mobilehome Park Operators
 Special Occupancy Park Operators
 City and Count Building Officials
 Interested Parties
 Division Staff**

SUBJECT: 2007 LEGISLATIVE CHANGES

This Information Bulletin summarizes important legislative changes to California Health and Safety Code, Civil Code, and Business & Professions Code relating to mobilehome and special occupancy parks enacted in the 2007 legislative session. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin become effective on January 1, 2008, unless otherwise specified in the legislation.

[Chapter 596, Statutes of 2007 \(Assembly Bill No. 382, Committee on Housing & Community Development\)](#) The annual Committee omnibus bill among other items repeals the Manufactured Housing Communities Act and adds Section 18210.7 to the Health and Safety Code, and amends Section 798.6 of the Civil Code.

- The Manufactured Housing Communities Act, Part 2.2 of Division 13 of the Health & Safety Code commencing with Section 18800 was repealed. This Act, adopted in 1992 to address manufactured housing communities, was never implemented. The provisions of the Mobilehome Parks Act, contained in the Health and Safety Code commencing with section 18200, govern manufactured housing communities.
- Section 18210.7 is added to the Health and Safety Code. This section defines a “manufactured home community”. Due to the repeal of the Manufactured Home Communities Act noted above, a definition for these communities was added to the Mobilehome Parks Act.
- Section 798.6 of the Civil Code is amended to coincide with the above changes and amends the reference to a “manufactured housing community” in the Mobilehome Residency Law to the new section in the Mobilehome Parks Act.

Chapter 549, Statutes of 2007 (Assembly Bill 446, Soto) amends Section 798.73 of the Civil Code, relating to the removal of a mobilehome from a mobilehome park.

- Section 798.73 of the Civil Code is amended to require the management of a mobilehome park to provide a mobilehome owner with written notice “particularly specifying” the conditions that allow mobilehome park management to require the removal of a mobilehome from the park upon resale of the mobilehome to upgrade the quality of the park, as long as these conditions remain.

The park management may not require the removal of a mobilehome in the event of a sale to a third party if the sale is during the term of a rental agreement or in the initial 60 days following the initial notice required pursuant to paragraph (1) subdivision (b) of Civil Code Section 798.55

Chapter 403, Statutes of 2007 (Assembly Bill 976, Caldron) adds Section 1940.3 to the Civil Code, relating to residential tenancies.

- Section 1940.3 is added to the California Civil Code to prohibit a city, county, or city and county from adopting or implementing a statute, ordinance, or regulation, or by administrative action implementing any statute, ordinance, or regulation, to compel a landlord or any agent of the landlord to make any inquiry, compile, disclose, report, or provide any information, prohibit offering or continuing to offer, accommodations in the property for rent or lease, or otherwise take any action regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

Additionally, a landlord or any agent of the landlord is not permitted to do any of the following:

- Make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.
- Require that any tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status.

Landlords also are prohibited from independently performing any of these acts.

These provisions do not prohibit a landlord from complying with any federal law or from requesting information necessary to determine or verify identity or financial qualifications.

[Chapter 166, Statutes of 2007 \(Assembly Bill 1153, Garcia\)](#) amends Sections 18050 and 18070.3 of the Health & Safety Code, relating to licensing of persons applying for manufactured home or commercial modular occupational license, and the Manufactured Home Recovery Fund.

- Section 18050 of the Health & Safety Code is amended, allowing the Department to obtain Federal Bureau of Investigation criminal history data for occupational licensing of manufactured home manufacturers, dealers, distributors and salespersons through the Department of Justice.
- Section 18070.3 of the Health & Safety Code is amended, to eliminate the term “licensee” and add the term “person or entity.” This amendment clarifies that a claimant under the Manufactured Home Recovery Fund may claim against a person or entity that has been the subject of a bankruptcy but is not a “licensee” of this Department.

[Chapter 540, Statutes of 2007 \(Senate Bill 538, Battin\)](#) adds Section 7026.11 to the Business & Professions Code, amends Health & Safety Code Sections 18000, 18007, 18008, 18008.7, and 18028, and amends the title of Part 2, Division 13 of the Health & Safety Code, relating to manufactured housing.

- Section 7026.11 of the Business & Professions Code is added, requiring the specified definitions of “mobilehome” and “manufactured home” to be operative definitions for the purpose of defining the permissible scope of work for the General Manufactured Housing Contractor (C-47) license classification.
- Section 18007 of the Health & Safety Code is amended, to state that a “manufactured home” is, for the purposes of Part 2 of Division 13, constructed on or after June 15, 1976, and meets specified criteria including complying with the National Manufactured Housing Construction and Safety Act of 1974.
- Section 18008 of the Health & Safety Code is amended, to state that a “mobilehome” is, for the purposes of Part 2 of Division 13, constructed prior to June 15, 1976, and meets specified State criteria, including meeting construction standards in effect at the time of its construction.
- A new subdivision (b) in both Health & Safety Code Sections 18007 and 18008 further clarifies when “mobilehome” or “manufactured home” should be defined depending upon specified contexts and circumstances. In addition, an amendment adding a new subdivision (b)(4) to Health & Safety Code Section 18000 specifies that the changes in the definitions are not intended to effect any substantive changes in the treatment of these units.
- Section 18008.7 of the Health & Safety Code is amended, renaming “multi-unit manufactured home” to “multifamily manufactured housing”. The existing

definition is modified to exclude “residential hotels” and to make the accessibility requirements of the California Building Code applicable to dormitories also applicable to multifamily manufactured housing.

The amendment also provides that "multi-unit manufactured housing" has the same meaning as "multifamily manufactured home," as that term is defined in this section.

- Section 18028 of the Health & Safety Code is amended, changing the term “commercial coach” to “commercial modular”; and authorizing the Department use Parts 2, 3, 4, 5, and 6 of the California Building Standards Code, as contained in Title 24 of the California Code of Regulations, as building standards on or after January 1, 2008, for the construction, alteration, or conversion of commercial modulares. These regulations shall be adopted in Title 25, Chapter 3, of the California Code of Regulations with appropriate additions, deletions and other implementing provisions.
- Section 18000 of the Health & Safety Code is amended, changing the title of Division 13, Part 2 from “Mobilehomes – Manufactured Housing Act of 1980” to “Manufactured Housing Act of 1980” to reflect current terminology. Additionally, the Legislature further explains its rationale for enacting these changes.

Chapter 557, Statutes of 2007 (Senate Bill 589, Correa) amends Sections 18554 and 18871.4 of the Health & Safety Code relating to sewage disposal in mobilehome and special occupancy parks.

- Sections 18554 and 18871.4 of the Health & Safety Code are amended to clarify that it is unlawful to permit sewage spills from any mobilehome or special occupancy park sewage or waste system, or from any manufactured home, mobilehome, recreational vehicle, accessory structure or permanent building within the park, to be discharged onto or deposited upon the ground.

The Department or the local enforcement agency is granted additional authority to require sanitation and/or removal of the wastewater, sewage or waste material in a manner consistent with, and in consultation with, the local health department or agency.

The amendments also clarify that if the wastewater, sewage, or waste material that is deposited on the ground is determined by the enforcement agency to be the fault of the homeowner or recreational vehicle owner, the homeowner or recreational vehicle owner is responsible for complying with an order of removal, correction citation, or costs thereof. The statutes specify some factors for determining fault.

This summary of legislative changes is not represented to be a complete digest of all new laws affecting persons regulated by the Mobilehome Parks Act, Special Occupancy Parks Act, Manufactured Housing Act of 1980, or the Mobilehome Residency Law. Anyone may include a copy of this Information Bulletin in any periodic publications distributed to customers, employees, members, and clients. The complete text of each law can be reviewed through the Official California Legislative Information website using the internet address www.leginfo.ca.gov.

For questions regarding the mobilehome or special occupancy parks requirements, please contact the Department's Mobilehome and Special Occupancy Park Program at (916) 445-9471. Questions regarding the Manufactured Housing Act of 1980 or Mobilehome Residency Law should be directed to the Office of the Mobilehome Ombudsman at 1-800-952-5275 during its hours of operation from 9:00 a.m. to 11:30 a.m. and from 1:30 p.m. to 4:00 p.m. You may also contact the Department via our web comment site at <http://www.hcd.ca.gov/comments/>.

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