

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

1800 Third Street, Room, 260, P.O. Box 1407
Sacramento, CA 95812-1407
From TDD Phones 1 (800) 735-2929
(916) 445-9471 FAX (916) 327-4712
www.hcd.ca.gov



December 23, 2005

INFORMATION BULLETIN 2005-15 (MP, SOP)

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

SUBJECT: 2005 LEGISLATIVE CHANGES

This Information Bulletin summarizes legislative changes to the California Health and Safety Code (HSC) and the Civil Code relating to mobilehome parks and special occupancy parks enacted in the 2005 legislative session. These changes become effective January 1, 2006.

➤ **[Chapter 24, Statutes of 2005 \(Senate Bill No. 125, Dutton\)](#) amends Sections 798.36 and 798.55 of the Civil Code relating to allowable fees and remedies for mobilehome park lot cleanup.**

- Civil Code section 798.36 is amended to allow a mobilehome park to charge a reasonable fee for the cleanup or maintenance of a homeowner's lot if the homeowner fails to do so after a 14-day written notice. Additionally, if the management, in good faith, determines that in order to bring a lot in compliance with reasonable rules and regulations of the park or with the requirements of either the Mobilehome Parks Act or regulations contained in the California Code of Regulations, Title 25, Chapter 2, it may remove a homeowner's personal property, excluding the unit and accessory structures, to a secure storage facility after a 14-day written notice under specific conditions. The park management also is permitted to charge a reasonable fee for the removal and storage of the removed items and, after a 60-day period to dispose of the removed items if the homeowner does not claim the property and reimburse management.

- Civil Code section 798.55 is amended to allow the cost of a title search to be a recoverable cost when the mobilehome park management has obtained a court judgment against a homeowner or resident.
- **Chapter 35, Statutes of 2005 (Senate Bill No. 237, Migden) adds Section 798.19.5 to the Civil Code relating to rental agreements in mobilehome parks.**
- Civil Code section 798.19.5 is added, prohibiting a rental agreement from including a provision that gives the mobilehome park management the right of first refusal for the sale of a manufactured home in a park. The addition of this section does not prohibit a separate negotiated agreement between the homeowner and the park granting the park first refusal rights when a manufactured home is offered for sale.
- **Chapter 595, Statutes of 2005 (Senate Bill No. 253, Torlakson) amends Section 798.3 of the Civil Code and Sections 18400.3 and 18867 of the Health and Safety Code related to mobilehome and special occupancy parks. Other amendments to the Health and Safety Code contained in this bill are applicable to the Manufactured Home Recovery Fund. Additional amendments contained in this bill are unrelated to manufactured homes, and mobilehome and special occupancy parks.**
- Civil Code section 798.3 is amended to make a technical change to the definition of a mobilehome by deleting a reference to a previously repealed section.
 - Health and Safety Code section 18400.3 is amended by making a technical change deleting a reference to an expired date for the reorganization of maintenance inspection violations. An additional technical change is made to reduce the time period for the correction of violations. Previous legislation (Chapter 622, Statutes of 2004 (Senate Bill No. 1176, Dunn)) amended the correction time in section 18420 from 90 days to 60 days and this section, which relates to the same violation timeline, was corrected to coincide with the previous legislation.
 - Health and Safety Code section 18867 is amended to shorten the correction time for cited violations in special occupancy parks from 90 days to 30 days.
- **Chapter 325, Statutes of 2005 (Assembly Bill No. 1064, Cogdill) amends Section 18552 of the Health and Safety Code relating to manufactured home installations in mobilehome parks above 5,000 feet in elevation.**
- Health and Safety Code section 18552 is amended to allow manufactured homes that do not meet the minimum snow roof loads in mobilehome parks

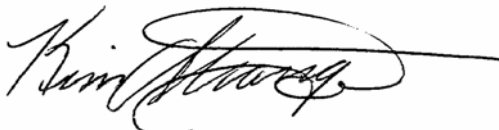
above 5,000 feet in elevation to be installed if the home has a minimum 60-pound roof load and the park has an approved snow roof load maintenance program. This bill also requires cabanas constructed or installed in parks above 5,000 feet to meet the minimum roof loads for the area.

➤ **Chapter 570, Statutes of 2005 (Assembly Bill No. 1078, Keene) adds Chapter 6.9.1 to the Health and Safety Code commencing with section 25400.10 related to contaminated property.**

- Health and Safety Code Chapter 6.9.1 (commencing with section 25400.10) of Division 20 is added, enacting the Methamphetamine Contaminated Property Cleanup Act of 2005.
- This bill specifically excludes, until January 1, 2008, a mobilehome park, manufactured housing park, or manufactured housing community from the definition of "Property" and the manager or owner of a mobilehome park, manufactured housing park, or manufactured housing community from the definition of "Property Owner" as those definitions apply to this chapter.
- This bill is applicable to special occupancy parks and separate designated special occupancy park sections within a mobilehome park. It imposes specific duties on local health officials, property owners and residents, as well as liability for specified costs and civil penalties, if there is known or suspected contamination by a methamphetamine laboratory on the premises.

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, or the Mobilehome Residency Law. 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 mobilehome park or special occupancy park requirements, please contact the Department's Mobilehome Parks Program at (916) 445-9471. Questions regarding the Mobilehome Residency Law should be directed to the Office of the Mobilehome Ombudsman at 1-800-952-5275 during its hours of operation. You may also contact the Department via our web comment at: <http://www.hcd.ca.gov/comments/>.



Kim Strange
Deputy Director