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DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 2008-01 (MH, OL)

**TO: City and County Building Officials
Interested Parties (MH, OL)
Division Staff**

SUBJECT: 2007 LEGISLATIVE CHANGES

This Information Bulletin summarizes important legislative changes for 2008 to California laws that impact manufactured housing in California. 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 543, Statutes of 2007 (Assembly Bill 339, Cook) amends Section 18035 of the Health and Safety Code relating to manufactured housing escrows.

- Section 18035 of the Health and Safety Code is amended, requiring an escrow agent, upon receiving notice of a dispute from a party to the escrow of a dispute, to inform the party handling a manufactured home escrow transaction, of his or her right to hold funds in escrow by submitting a written request to that effect. The escrow agent, at the opening of that escrow, is required to provide notice of the right to request that funds be held in escrow.

Chapter 596, Statutes of 2007 (Assembly Bill No. 382, Committee on Housing & Community Development) The annual Committee omnibus bill amends Section 798.6 of the Civil Code, amends Sections 65583, 65863.7, 65863.11, and 65863.13 of, adds Section 53583.5, and repeals Section 65584.5 of, the Government Code, amends Sections 17958.4, 33334.3, 33413, 33413.1, 34278, 50199.21, 50199.50, 50199.55, 50843, 50862.5, 53545, and 115928 of, adds Sections 18210.7, 50409, and 115928.5 to, repeals Section 19205 of, repeals Chapter 7 (commencing with Section 33701) of Part 1 of Division 24 of, repeals Chapter 4 (commencing with Section 50559) of Part 2 of Division 31 of, repeals Part 2.2 (commencing with Section 18800) and Part 5 (commencing with Section 19950) of Division 13 of, and repeals Part 3 (commencing with Section 34800)

and Part 11 (commencing with Section 37850) of Division 24 of, the Health & Safety Code, and amends Section 5803 of the Revenue & Taxation Code, relating to housing.

- The Manufactured Housing Communities Act, Part 2.2 of Division 13 of the Health & Safety Code commencing with Section 18800 is repealed.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 conform with other related 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 166, Statutes of 2007 (Assembly Bill 1153, Garcia) amends Sections 18050, 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 Sections 18000, 18007, 18008, 18008.7, and 18028 of, and amends the heading of Part 2 (commencing with Section 18000) of Division 13 of, the Health & Safety Code, relating to 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 modulars. 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.

This summary of legislative changes is not represented to be a complete digest of all new laws affecting persons regulated by the Manufactured Housing or Occupational Licensing or other California 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 the Manufactured Housing or Occupational Licensing requirements, please contact the appropriate Department Program staff at (916) 445-9471. You may also contact the Department via our web comment site at <http://www.hcd.ca.gov/comments/>.

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