December 05, 2012

INFORMATION BULLETIN 2012-06 (MP,OL)

TO: Mobilehome Park,
Special Occupancy Park,
Occupational Licensing,
Registration and Titling,
Interested Parties,
Division Staff

SUBJECT: 2012 LEGISLATIVE CHANGES

This Information Bulletin summarizes the legislative changes for 2012 to California laws that impact the Division of Codes and Standards programs. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin will become effective on January 1, 2013, unless otherwise specified in the legislation.

Mobilehome Residency Law (MRL)

Chapter 337, Statutes of 2012 (AB 317—Calderon) amends Section 798.74.5 of the Civil Code, relating to mobilehomes.

Civil Code section 798.74.5 is amended to require mobilehome park owners to advise prospective homeowners that if they do not occupy the mobilehome as their principal residence, the homeowner may be no longer be subject to any local ordinances, rules, regulations or initiative measures regarding rent control.

Chapter 477, Statutes of 2012 (AB 1938—Williams) amends Sections 798.17 and 798.39.5 of the Civil Code, relating to mobilehomes.

- Civil Code section 798.17 is amended to provide that:
  - A homeowner may void a signed rental agreement within 72 hours of receiving a copy of the signed rental agreement. This is applied only if management provides the homeowner a copy of the signed rental agreement at the time the homeowner returns the signed agreement.
A homeowner may void a signed rental agreement within 72 hours of receiving an executed copy of the rental agreement. This is applied if management does not provide the homeowner with a copy of the signed rental agreement at the time the homeowner returns the signed rental agreement.

- Civil Code section 798.39.5 is amended to allow:
  - The management of a mobilehome park to charge a homeowner a fee or increase in rent to cover the cost of certain fines, fees, or damages assessed or awarded by a court or an enforcement agency against the management for a violation of the MRL or the Mobilehome Parks Act if the registered owner of the mobilehome is initially responsible.

**Chapter 478, Statutes of 2012 (AB 2150—Atkins)** amends Sections 798.14 and 798.15 of the Civil Code, relating to mobilehomes.

- Civil Code section 798.14 as amended prescribes that all notices required under the MRL to be delivered prior to February 1st, of each year may be combined in one notice that contains all the information required by the sections under which the notices are given.
- Civil Code section 798.15 as amended:
  - This bill would require mobilehome park management to include with the initial rental agreement a specific notice detailing homeowners' or tenants' rights and responsibilities pursuant to the MRL.
    - The specific language of the notice is located in the statute.
    - Park management would be required to provide the notice to homeowners or tenants on an annual basis no later than February 1st, of each year.

**Chapter 99, Statutes of 2012 (AB 2272—Wagner)** amends, repeals, and adds Section 798.88 of the Civil Code, and to amend, repeal, and add Section 85 of the Code of Civil Procedure, relating to mobilehomes.

- Civil Code section 798.88 is amended to:
  - Allow park management to seek a petition for an order enjoining a continuing or recurring violation of any reasonable rule or regulation of a mobilehome park within the limited jurisdiction of the superior court of the county in which the mobilehome park is located.
  - Specifically provides that an injunction sought pursuant to the above provision shall be considered a limited civil case.
  - Sunsets on January 1, 2016.
- Code of Civil Procedure section 85 is amended to reference Civil Code section 798.88.
  - Sunsets on January 1, 2016.

**Mobilehome Parks Program**
Chapter 539, Statutes of 2012 (AB 1830—Perez) amend Section 2705.6 of the Public Utilities Code, relating to mobilehome parks.

Public Utilities Code section 2705.6 as amended:
- Authorizes the PUC to investigate rates and adequacy of water service if a complaint is filed by tenants of the mobilehome park that represent 10 percent or more of the park’s water service connections during any 12-month period, claiming that the water rates charged by the park are not just and reasonable or that the service is inadequate.
- Requires the PUC, if it determines that a mobilehome park has charged an unjust or unreasonable rate, to order the mobilehome park to reimburse overcharges to current and former tenants affected by the rate, if no discrimination will result from the reimbursement.
- A person is not eligible to file a complaint if that person has not resided in the park within the last five years.
- Requires a mobilehome park to provide tenants, at the time of establishing residence and each time it changes rates or service, written notice of their right to, and how to, file with the PUC a complaint about water rates and service.
- Requires the PUC to make available on its Internet website an approved notice in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean (as specified in the Civil Code § 1632(b)). Requires a mobilehome park to use the then-current language made available by the PUC.
- Makes a failure to provide notice subject to a penalty of not less than $500 or more than $20,000 per offense.

Chapter 307, Statutes of 2012 (SB 149—Correa) amend Sections 18506 and 18870.7 of the Health and Safety Code, relating to mobilehome and special occupancy parks.

Health and Safety Code sections 18506 and 18870.7 are amended to require HCD and local enforcement agencies to revise their Permit-To-Operate invoices to provide notice of the MRL and Recreational Vehicle Park Occupancy Law.

Chapter 679, Statutes of 2012 (AB 2114—Smyth and Hill) amends Sections 115921, 115928, 115928.5, 116064, and 116064.2 of the Health and Safety Code, relating to public safety.

- This bill replaces the terms "drain(s)" and "main drain(s)" with "suction outlet(s)," and makes clarifying changes to the definition.
- Health and Safety Code sections 115921, 116064, and 116064.2 as amended:
  - Defines "ANSI/APSP performance standard" as a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).
  - Defines suction outlets to mean a fitting or fixture located on the bottom or sides of a swimming pool that conducts water to a recirculating pump.
- Health and Safety Code section 115928 as amended:
o Adds to requirements for newly constructed pools or spas to include designs that use alternatives to suction outlets such as skimmers or perimeter overflow systems.

o Stipulates that the circulation system must have the capacity to provide a complete turnover of pool water within the time period as specified.

o Deletes references in existing law to suction outlets that are less than 12 inches and thereby applies requirements for anti-entrapment grates to suction outlets of all sizes.

- Health and Safety Code section 115928.5 is amended to require that when a building permit is issued for the remodel or modification of an existing swimming pool, toddler pool or spa to require suction outlet(s) to be equipped with anti-entrapment grates as specified by the ANSI/APSP-16 performance standard.

- Health and Safety Code section 116064.2 as amended:
  o Revises the definition of an "unblockable suction outlet" to mean a suction outlet including the sump, that has a perforated (open) area that cannot be shadowed by the area of the 18 inch by 23 inch Body Blocking Element as specified by the ANSI/APSP performance standard and that the rated flow through any portion of the remaining open area cannot create a suction force in excess of the removal force values in Table 1 of that standard.
  o Replaces references in existing law to the "American Society for Testing and Materials (ASTM)/ANSI A112.19.8 performance standard" with "ANSI/APSP-16 standard or successor standards designated by the federal Consumer Product and Safety Commission."
  o Requires public swimming pool that has a suction outlet in any location other than on the bottom of the pool to be designed so that the recirculation system has a capacity to provide a complete turnover of pool water based on the pool type:
    ▪ One-half hour or less for a spa pool.
    ▪ One-half hour or less for a spray ground.
    ▪ One hour or less for a wading pool.
    ▪ Two hours or less for a medical pool.
    ▪ Six hours or less for all other types of public pools.

**Occupational Licensing Program**

**Chapter 256, Statutes of 2012 (AB 2343—Torres)** amends Sections 11105 and 11105.2 of the Penal Code, relating to criminal history information.

- Penal Code section 11105 is amended to require agencies that use the state or federal summary criminal history information provided by the Department of Justice (DOJ) for employment, licensing, or certification purposes, to expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision.

- Penal Code section 11105.2 is amended to require agencies that receive a subsequent arrest or disposition notice the receiving entity shall expeditiously
furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision.

Chapter 770, Statutes of 2012 (AB 2697—Committee on Housing and Community Development) amends Sections 798.49, 896, 1363.05, and 1368 of the Civil Code, and to amend Sections 18045.6 and 18942 of the Health and Safety Code, relating to housing. This is a housing omnibus bill.

- Civil Code section 896 is amended to reflect the temperature differential for heating units installed after January 1, 2008, in determining damages for construction deficiencies.
- Health and Safety Code section 18045.6 is amended to remove the 30-day limit on the display of manufactured homes, mobilehome, or commercial coaches at a fair, exposition, or similar exhibit, revises the definition of mobilehome fair or exposition, and specifies that a display does not qualify as a business location or an established place of business for the purposes of obtaining or maintaining a dealer's license.

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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