

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS
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January 20, 1995

INFORMATION BULLETIN 95-04 (EH)

TO: LOCAL ENFORCEMENT AGENCIES
EMPLOYEE HOUSING OPERATORS
INTERESTED PARTIES (EH)
DIVISION STAFF

SUBJECT: 1994 LEGISLATIVE CHANGES TO THE EMPLOYEE HOUSING ACT

The following is a brief summary of 1994 legislation affecting employee housing. These changes were in the Employee Housing Act, Health and Safety Code, Division 13, Part 1, the Mobilehome Parks Act, Health and Safety Code, Division 13, Part 2.1, and the Manufactured Housing Community Act, Division 13, Part 2.2. These changes became effective on January 1, 1995.

Copies of the Health and Safety Code Sections referenced are attached and should be reviewed in detail by parties directly affected by provisions of the Employee Housing Act.

1. Chapter 1250 of the 1994 Statutes (AB 2571, Polanco), amended Health and Safety Code Section 17060.2 of the Employee Housing Act to provide that any person or entity filing a civil action to obtain relocation assistance shall be granted reasonable attorney fees and costs if they prevail in the civil action.
2. Chapter 896 of the 1994 Statutes (AB 3735, Bornstein), added Health and Safety Code Section 17021.7 to the Employee Housing Act to provide that (manufactured homes) mobilehomes and recreational vehicles used for employee housing be maintained in conformity with applicable provisions of the Mobilehome Parks Act. Sections 18214, 18215 and 18217 of the Mobilehome Parks Act were amended, as was Section 18801 of the Manufactured Housing Community Act, to provide that the use of manufactured homes, mobilehomes or recreational vehicles to house twelve or fewer agricultural employees on land zoned for agricultural purposes shall not be deemed a manufactured housing community, mobilehome park, recreational vehicle park or temporary recreational vehicle park.



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Questions concerning this Information Bulletin may be directed to our Employee Housing Program, Mr. Bruce McKarley, at (916) 445-9471.

A handwritten signature in black ink, appearing to read "Travis Pitts", with a large circular flourish above the name.

Travis Pitts
Deputy Director

Attachments

17021.7 Notwithstanding subdivision (b) of Section 18214, subdivision (b) of Section 18215, and subdivision (b) of Section 18217, mobilehomes and recreational vehicles used to house agricultural employees shall be maintained in conformity with the applicable requirements of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)).

17060.2. (a) Notwithstanding any other provision of law, the operator of employee housing shall provide a resident of every unit in the employee housing with a written copy in English and Spanish of every order or notice of violation issued by an enforcement agency accompanied by an explanation of the owner's or operator's anticipated response to the order or notice. Each notice shall also advise the occupants of the right to a hardship deferral and the procedure for obtaining this, as set forth in subdivision (c). These copies may be provided by first-class mail or by posting a copy of the notice in a prominent place on each residential unit.

(b) (1) (A) The enforcement agency shall not require the vacating of all or any part of an accommodation unless it concurrently orders the operator to provide for the relocation of the tenants consistent with the requirements of Section 17062 prior to the date the vacating is required and requires expeditious demolition or repair to comply with this part, the building standards related to employee housing, or other rules and regulations adopted pursuant to this part. Any local government may, prior to January 1, 1994, enact a local relocation ordinance that imposes requirements more stringent than those contained in this section. The tenant or tenant association may enforce the relocation remedies of this section, and the enforcement agency, to the extent feasible, shall cooperate in these efforts. The enforcement agency may require vacation and demolition or itself vacate the building, repair or demolish the building, or institute any other appropriate action or proceeding, if either of the following occurs:

(i) The repair work is not done as scheduled or cannot be completed within a reasonable period of time.

(ii) There is a significant threat to the residents' or public health and safety.

(B) In any civil action brought by a

private person or entity to obtain relocation assistance pursuant to subparagraph (A) of paragraph (1) of subdivision (b), following an enforcement agency's order to vacate all or any part of an accommodation, and the failure to comply with the agency's order to provide for the relocation of the tenants, the private person or entity, if he, she, or it is the prevailing party, may be granted reasonable attorney's fees and costs, in addition to any other remedy granted.

(2) Prior to vacating and demolishing the accommodation, the public agency shall exert every reasonable effort to obtain or cause repairs. In addition, to the extent feasible, if the public entity causes vacation of the accommodation, it shall cooperate in efforts to obtain compensation from the owner or operator to compensate the displaced residents for their relocation expenses, including rent differentials.

(c) The enforcement agency or a court of competent jurisdiction may, in cases of extreme hardship to tenants of employee housing, provide for deferral of the effective date of orders of abatement. Any deferral of the effective date of any order of abatement shall include conditions, including, but not limited to, payment of rent to an appropriate receiver, which will ensure progress towards correcting defects, or assist in relocation of tenants prior to closure of the employee housing.

18214. (a) "Mobilehome park" is any area or tract of land where two or more mobilehome lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes used for human habitation. The rental paid for a manufactured home or mobilehome shall be deemed to include rental for the lot it occupies.

(b) Notwithstanding subdivision (a), an area or tract of land zoned for agricultural purposes where two or more mobilehome lots or spaces are rented or leased, held out for rent or lease, or provided as a term or condition of employment, to accommodate manufactured homes or mobilehomes used for the purpose of housing 12 or fewer agricultural employees shall not be deemed a mobilehome park.

(c) Notwithstanding subdivision (a), an area or tract of land shall not be deemed a mobilehome park if the structures on it consist

of residential structures that are rented or leased, or held out for rent or lease, if those residential structures meet both of the following requirements:

(1) The residential structures are manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Secs. 5401 et seq.) or mobilehomes containing two or more dwelling units for human habitation.

(2) Those manufactured homes or mobilehomes have been approved by a city, county, or city and county pursuant to subdivision (d) of Section 17951 as an alternate which is at least the equivalent to the requirements prescribed in the California Building Standards Code or Part 1.5 (commencing with Section 17910) in performance, safety, and for the protection of life and health.

18215. (a) "Recreational vehicle park" is any area or tract of land, or a separate designated section within a mobilehome park, where two or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents.

(b) Notwithstanding subdivision (a), an area or tract of land zoned for agricultural purposes where two or more lots are rented or leased, or held out for rent or lease, to owners or users of recreational vehicles or tents for the purpose of housing 12 or fewer agricultural employees, shall not be deemed a recreational vehicle park.

18217. (a) "Temporary recreational vehicle park" is any area or tract of land where two or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles and which is established for one operation not to exceed 11 consecutive days, and is then removed.

(b) Notwithstanding subdivision (a), an area or tract of land zoned for agricultural purposes where two or more lots are rented or leased, or held out for rent or lease, to owners or users of recreational vehicles for the purpose of housing 12 or fewer agricultural employees, shall not be deemed a temporary recreational vehicle park.

18801. (a) "Manufactured housing community," as used in this part and Part 2.1 (commencing with Section 18200), means any area or tract of land where two or more manufactured home lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, only to accommodate the use of manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) or mobilehomes containing two or more dwelling units for human habitation. The rental paid for a manufactured home shall be deemed to include rental for the lot it occupies.

(b) Notwithstanding subdivision (a), any area or tract of land zoned for agricultural purposes where two or more manufactured home lots are rented or leased, held out for rent or lease, or provided as a term or condition of employment to accommodate manufactured homes or mobilehomes used for the purpose of housing 12 or fewer agricultural employees, shall not be deemed a manufactured housing community.

(c) Notwithstanding subdivision (a), an area or tract of land shall not be deemed a mobilehome park if the structures on it consist of residential structures that are rented or leased, or held out for rent or lease, if those residential structures meet both of the following requirements:

(1) The residential structures are manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) or mobilehomes containing two or more dwelling units for human habitation.

(2) Those manufactured homes or mobilehomes have been approved by a city, county, or city and county pursuant to subdivision (d) of Section 17951 as an alternate which is at least the equivalent to the requirements prescribed in the California Building Standards Code or Part 1.5 (commencing with Section 17910) in performance, safety and for the protection of life and health.