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DIVISION OF CODES AND STANDARDS**

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February 25, 2021

**INFORMATION BULLETIN 2021-05 (MP, SOP, MH)**

**TO:** Mobilehome and Special Occupancy Parks  
Local Enforcement Agencies  
Interested Parties

**FROM:** Kyle Krause, Acting Deputy Director  
Division of Codes and Standards

**SUBJECT: Mobilehome Residency Law Protection Program—Recreational Vehicles**

This Information Bulletin is issued to address and clarify:

- (1) Whether the Mobilehome Residency Law Protection Program (MRLPP) established within the California Department of Housing and Community Development<sup>1</sup> (Department) applies to the owners of recreational vehicles (RV(s)) that are located inside of mobilehome parks (MP(s)); and
- (2) Whether MP owners and management may lawfully pass on MRLPP fee(s)<sup>2</sup> to the owners of RVs that are located inside of MPs on mobilehome permitted lots.

**INTRODUCTION**

The Mobilehome Residency Law Protection Act<sup>3</sup> (MRLPA) created the MRLPP. The MRLPA provides, *“It is the intent of the Legislature in enacting [the MRLPA] to protect and safeguard the most vulnerable mobilehome homeowners by affording them an additional avenue to enforce violations of the Mobilehome Residency Law.”*<sup>4</sup> The MRLPP is applicable to homeowners of “mobilehomes,” as defined in the Mobilehome Residency Law<sup>5</sup> (MRL), which, in addition to mobilehome and manufactured homes, also includes trailers and other recreational vehicles, as specifically defined, when used for human habitation under specified conditions.<sup>6</sup>

**APPLICABLE DEFINITIONS**

The MRLPA defines a “homeowner” as any person who has tenancy in a MP under a rental agreement.<sup>7</sup> Also, the term “mobilehome” not only includes manufactured homes, as defined in Health and Safety Code (HSC) section 18007,<sup>8</sup> and mobilehomes, as defined in HSC section 18008,<sup>8</sup> but also “trailers and other recreational vehicles of all

*types as defined in section 18010 of the Health and Safety Code, other than motor homes, truck campers, and camping trailers, which are used for human habitation if the occupancy criteria of either paragraph (1) or (2), as follows, are met:*

*(1) The trailer or other recreational vehicle occupies a mobilehome site<sup>9</sup> in the park, on November 15, 1992, under a rental agreement with a term of one month or longer, and the trailer or other recreational vehicle occupied a mobilehome site in the park prior to January 1, 1991.*

*(2) The trailer or other recreational vehicle occupies a mobilehome site in the park for nine or more continuous months commencing on or after November 15, 1992.”<sup>10</sup>*

NOTE: “*Mobilehome*” does not include a trailer or other RV located in an RV park (also known as a Special Occupancy Park) subject to Chapter 2.6 (commencing with section 799.20), Title 2, Part 2, Division 2, of the California Civil Code.<sup>10</sup>

#### **UNDER CERTAIN CIRCUMSTANCES OWNERS OF RVs THAT ARE LOCATED INSIDE OF MPs ARE SUBJECT TO THE MRLPP PROGRAM AND FEES**

A. Owners of RVs that satisfy specified conditions set forth in the MRL are considered mobilehomes for purposes of the MRL and are subject to the MRLPA.

Based upon the preceding definitions, the MRLPP applies to the owner of an RV that satisfies all of the following conditions:

- (1) The owner of the RV has tenancy in a MP under a rental agreement.
- (2) The RV is either a travel trailer<sup>11</sup> or a park trailer<sup>12</sup> (and not a motor home, truck camper, or camping trailer<sup>13</sup>).
- (3) The RV is used for human habitation.
- (4) The RV either:
  - a. Occupied a mobilehome lot in the MP prior to January 1, 1991, and occupies a mobilehome lot in the MP under a rental agreement with a term of one (1) month or longer entered into prior to November 15, 1992; or
  - b. Occupies a mobilehome lot in the MP for nine (9) or more continuous months commencing on or after November 15, 1992.

The MRLPP will confirm all the following conditions are satisfied prior to helping to resolve and coordinate the resolution of a MRLPP complaint submitted by an RV owner relating to the MRL.<sup>14</sup>

B. MP owners and management may lawfully pass on MRLPP fees to owners of RVs that have tenancy in MPs under a rental agreement and are located on mobilehome permitted lots

Notwithstanding any other law, local ordinance, rule, regulation, or initiative measure to the contrary, within ninety (90) days from payment of the MP permit to operate, a MP owner or management may pass on all or a portion of the MRLPP fee to all persons who have tenancy in the MP under a rental agreement, including owners of RVs who are located on mobilehome permitted lots.<sup>15</sup>

The fee may be collected in part or in whole at the time rent is due; however, management is not allowed to pass on the fee in the form of a rent increase and the MRLPP fee shall not exceed ten dollars (\$10) per mobilehome permitted lot annually.<sup>15</sup>

Additionally, the MRLPP fee must appear as a separate line item on the bill and include a clear written description of the purpose of the charge and the Department's contact information.<sup>15</sup>

For more information about resident billing notices, see the Department's [Information Bulletin 2018-03](http://hcd.ca.gov/docs/IB2018-03.pdf) at <http://hcd.ca.gov/docs/IB2018-03.pdf>.

For questions regarding this Information Bulletin, please contact the MRLPP at [MRLComplaint@hcd.ca.gov](mailto:MRLComplaint@hcd.ca.gov) or (800) 952-8356.

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<sup>1</sup> See Health and Safety Code, section 18802, Subsection (a).

<sup>2</sup> The Department shall assess upon, and collect from, the owner or management of a mobilehome park subject to the Mobilehome Residency Law an annual fee of ten dollars (\$10) for each permitted mobilehome lot within the mobilehome park. (See Health and Safety Code, section 18804, Subsection (b)(1).)

<sup>3</sup> Established by AB 3066 (Chaptered 774, Statutes of 2018); Health and Safety Code, section 18800, et seq.

<sup>4</sup> See Health and Safety Code, section 18800, Subsection (b) (*emphasis added*).

<sup>5</sup> See Civil Code, section 798, et seq.

<sup>6</sup> See Civil Code, section 798.3.

<sup>7</sup> See Health and Safety Code, section 18801, Subdivision (b); and Civil Code, section 798.9.

<sup>8</sup> See Health and Safety Code, section 18801, Subdivision (d); and Civil Code, section 798.3, Subsection (a).

<sup>9</sup> The term "lot" is used interchangeably with "site" in this Information Bulletin.

<sup>10</sup> See Health and Safety Code, section 18801, Subsection (d); and Civil Code, section 798.3, Subsection (b).

<sup>11</sup> Last known travel trailer definition (formerly known as California Health and Safety Code section 18013): "Travel trailer" is a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

<sup>12</sup> See Health and Safety Code, section 18009.3.

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<sup>13</sup> “[M]otor homes, truck campers, and camping trailers...” are expressly excluded from the definition of “mobilehome” under any and all circumstances for purposes of the Mobilehome Residency Law. (See Civil Code, section 798.3, Subsection (b).)

<sup>14</sup> See Health and Safety Code, section 18802, Subsection (b).

<sup>15</sup> See Health and Safety Code, section 18804, Subsection (c).