

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

SB 1108 (Ochoa Bogh)
Version: March 21, 2024
Hearing Date: April 9, 2024
Fiscal: Yes
Urgency: No
ID

SUBJECT

Mobilehome parks: notice of violations

DIGEST

This bill indefinitely extends provisions of the Mobilehome Parks Act (MPA) relating to the Department of Housing and Community Development's (HCD) enforcement authority of the health and safety standards for mobilehome parks, and makes changes requiring HCD to mail a copy of a first notice of violation for a resident's violation of the MPA or related regulations to the park's designated responsible person, increasing the time allowed for correction of a violation from 60 to 90 days, and makes HCD responsible for exhausting all administrative and legal recourse against a resident before requiring action by the mobilehome park.

EXECUTIVE SUMMARY

Mobilehomes and the mobilehome parks in which they often reside are an important source of affordable housing in California. Because mobilehomes are pre-fabricated and can be moved, mobilehome owners often own their mobilehome, but lease the lot on which it sits from the owner of a mobilehome park. The Mobilehome Parks Act (MPA) was enacted to regulate the construction, maintenance, and occupancy of mobilehome parks and mobilehomes to ensure protection of the health, safety, and general welfare of all mobilehome park residents. HCD is charged with enforcing the MPA, and is required to inspect mobilehome parks for violations of the MPA and corresponding regulation. The MPA prescribes the process for which HCD issues notices of violations and engages in enforcement actions against a park or a mobilehome owner who is in violation of the MPA. The MPA's provisions for noticing violations and instituting enforcement for the correction of a violation are set to sunset on January 1, 2025. This bill extends those provisions indefinitely, with some changes. The bill is sponsored by the Western Manufactured Housing Communities Association. The Committee received no timely opposition. This bill passed the Senate Housing Committee on a vote of 10 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Mobilehome Residency Law (MRL) to regulate the relationship between mobilehome park management and park residents, and establishes various rights, responsibilities and limits of both groups. (Civ. Code § 798 *et seq.*)
- 2) Specifies that a mobilehome park may only evict a resident for: failing to comply with a local or state law or regulation on mobilehomes within a reasonable time after the homeowner receives notice of noncompliance; conduct of the resident that amounts to a substantial annoyance of other homeowners or residents; conviction for certain crimes; failure to comply with a reasonable rule of the park; or for nonpayment of rent, utilities, or other reasonable incidental services charged by the park. (Civ. Code § 798.56.)
- 3) Creates the Mobilehome Parks Act (MPA) to regulate the construction, maintenance, occupancy, use, and design of mobilehome parks to assure protection of the health, safety, and general welfare of all mobilehome park residents, and guarantee park residents maximum protection of their investment and a decent living environment. (Health & Saf. Code §§ 18200 *et seq.*)
- 4) Excludes from its provisions any park owned, operated, and maintained by the federal government, the state, any agency or political subdivision of the state, or any city, county, or city and county. Also excludes any apartment house, hotel, or dwelling under certain provisions, or any utilities facilities owned, operated, and maintained by a public utility. (Health & Saf. Code §§ 18303-18304.)
- 5) Provides that HCD enforces the provisions of the MPA, except where a city, county, or city and county has elected to assume responsibility for enforcement, notified HCD, and had their request to assume authority approved by HCD. (Health & Saf. Code §§ 18300, 18400.)
- 6) Provides HCD the authority to promulgate regulations relating to the MPA and its enforcement, and authorizes HCD officers or agents to enter public or private property to determine whether there is a park to which the MPA applies on the property, and to enter and inspect all parks and examine any registers of occupants for enforcement purposes. (Health & Saf. Code § 18400.)
- 7) Establishes the Mobilehome Park Maintenance inspection program and requires HCD to enter and inspect mobilehome parks to ensure enforcement of the MPA and related regulations, with a goal of inspecting at least five percent of the parks in the state per year. Requires inspections to include an inspection of the exterior of mobilehomes in each park inspected. Requires HCD to inspect the mobilehome

parks that it determines have complaints made to the agency regarding serious health and safety violations. (Health & Saf. Code § 18400.1.)

- 8) Requires that HCD provide individual written notice of an inspection to mobilehome owners and occupants, and to the park owner or operator and the responsible person, at least 30 days before the inspection. Requires HCD to coordinate a pre-inspection orientation for mobilehome owners and park operators at least 30 days prior to the inspection. (Health & Saf. Code § 18400.1(d)-(f).)
- 9) Requires a mobilehome park owner or operator to abate any nuisance in the park within five days, or within any longer period set by HCD, of receiving written notice to remove the nuisance. Requires that the District Attorney of the county in which the park or the greater portion of the park is located to bring a civil action in the Superior Court of the county to abate the nuisance. Allows that an Attorney General, a county counsel, or a city attorney or prosecutor may also bring a civil action to abate the nuisance. (Health & Saf. Code § 18402.)
- 10) Provides that, if any park is constructed, altered, converted, used, occupied, or maintained in violation of the MPA, related regulations, or any order or notice issued by HCD, HCD may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation, and that a Superior Court may make any order on an application for such an action from HCD. (Health & Saf. Code § 18404.)
- 11) Requires that, if HCD or another enforcement agency determines that a mobilehome park is in violation of the MPA or any regulation adopted pursuant to the MPA after an inspection, HCD must promptly, but no later than 10 days after the inspection, issue a notice to correct the violation to the owner or operator of the park and to the responsible person, as defined. Clarifies that, if the violation constitutes an imminent threat to health and safety, the notice of the violation be issued and served immediately. (Health & Saf. Code § 18420.)
- 12) Specifies that the owner or operator of the mobilehome park is responsible for the correction of a violation that is noticed by the enforcement agency. (*Id.*)
- 13) Requires that, if upon an inspection the enforcement agency determines that manufactured home, mobilehome, or accessory building or structure is in violation of Chapters 4, 5, and 6 of the MPA, or any regulation adopted pursuant to those chapters, the enforcement agency promptly, but no later than 10 days after the inspection, issue a notice to correct the violation to the registered owner and occupant (if different) of the mobilehome or manufactured home. (*Id.*)
 - a) Specifies that, in the event of a violation that constitutes an imminent hazard representing an immediate risk to life, health, and safety requiring immediate correction, HCD shall provide the notice of violation immediately to the

- occupant, with a copy mailed to the registered mobilehome owner, to the owner or operator of the park, and to the responsible person.
- b) Specifies that the registered owner of the mobilehome is responsible for the correction of any violations pursuant to this section.
- 14) Requires that service of the written notice of violation be made either personally or by first-class mail, and that the notice describe the nature of the violation in as clear language as the technicality of the violation will allow, including reference to the statutory provisions or regulation allegedly violated, and the penalties for not correcting the violation. (Health & Saf. Code § 18420(c).)
- a) Requires HCD to develop a list of local agencies that have home rehabilitation or repair programs, and to provide this list to registered mobilehome owners or occupants who receive notices of a violation.
- b) Requires that, for violations that are not an imminent threat to health and safety, HCD allow 60 days from the date of the notice of violation for correction of the violation. However, if the violation is an imminent threat to health and safety as described, requires violations to be corrected within a reasonable time as determined by HCD.
- c) Allows HCD to extend the time for correction for 30 days or an additional reasonable period of time after the 60-day period if, after re-inspection, HCD determines that there is a valid reason why a violation has not been corrected, including weather conditions, illness, availability of repair persons, or availability of financial resources.
- d) Requires that, if upon re-inspection HCD issues a second notice of violation for a mobilehome resident violation, HCD issue the notice to the registered owner, with a copy provided to the occupant and to the owner or operator of the park and the responsible person. If upon re-inspection HCD issues a second notice of violation for a mobilehome park violation, requires HCD to issue the second notice to the owner or operator and the responsible person, and post a copy of the violation in a conspicuous place in the mobilehome park's common area.
- 15) Provides that HCD may, at its sole discretion, determine not to issue a notice of violation if the violation does not constitute an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, and places requirements on HCD regarding documenting the violation and its determination not to issue a notice of violation. (Health & Saf. Code § 18420(e).)
- 16) Allows that an owner or operator of a mobilehome park, or the registered owner of a mobilehome subject to a notice of violation may dispute HCD's determination of an alleged violation, a failure to correct the violation in the required time, or the reasonableness of the deadline for correction by requesting an informal conference with HCD. (Health & Saf. Code § 18421.)

- 17) Specifies that Health and Safety Code Sections 18420 to 18423 remain in effect until January 1, 2025. (Health & Saf. Code § 18424.)
- 18) Requires there be a responsible person in every park who is responsible for the operation and maintenance of the park. Requires the responsible person be available by telephonic or similar means, and that they reasonably respond in a timely manner to emergencies. In parks with 50 or more units, requires the responsible person or their designee to reside in the park and know the emergency procedures for the park and its emergency plan. (Health & Saf. § 18603.)

This bill:

- 1) Requires that, if HCD or another enforcement agency determines that a mobilehome park is in violation of the MPA or any regulation adopted pursuant to the MPA after an inspection, HCD must promptly, but no later than 10 days after the inspection, issue a notice to correct the violation to the owner or operator of the park and to the responsible person, as defined.
 - a) Clarifies that, if the violation constitutes an imminent threat to health and safety, the notice of the violation be issued and served immediately.
 - b) Specifies that the owner or operator of the mobilehome park is responsible for the correction of a violation that is noticed by the enforcement agency.
- 2) Requires that, if upon an inspection the enforcement agency determines that a manufactured home, mobilehome, or accessory building or structure is in violation of Chapters 4, 5, or 6 of the MPA, or any regulation adopted pursuant to those chapters, the enforcement agency promptly, but no later than 10 days after the inspection, issue a notice to correct the violation to the registered owner and occupant (if different) of the mobilehome or manufactured home, to the owner or operator of the mobilehome park, and to the responsible person.
 - a) Requires that, in the event that a violation constitutes an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, HCD issue the notice of violation immediately, with a copy mailed to the registered owner, the owner or operator of the mobilehome park, and to the responsible person.
 - b) Specifies that the mobilehome owner is responsible for the correction of any violations relating to the mobilehome.
 - c) Requires that HCD be responsible for exhausting all administrative and legal recourse against a resident who fails to correct a resident violation before requesting the park owner or operator correct the violation.
- 3) Requires that service of the written notice of violation be made either personally or by first-class mail, and that the notice describe the nature of the violation in as clear language as the technicality of the violation will allow, including reference to the

statutory provisions or regulation allegedly violated, and the penalties for not correcting the violation.

- a) Requires HCD to develop a list of local agencies that have home rehabilitation or repair programs, and provide this list to registered mobilehome owners or occupants who receive notices of a violation.
 - b) Requires that, for violations not an imminent threat to health and safety, HCD allow 90 days from the date of the notice of violation for correction of the violation. However, if the violation is an imminent threat to health and safety as described, requires violations to be corrected within a reasonable time as determined by HCD.
 - c) Allows HCD to extend the time for correction for 30 days or an additional reasonable period of time after the 90-day period if, after re-inspection, HCD determines that there is a valid reason why a violation has not been corrected, including weather conditions, illness, availability of repair persons, or availability of financial resources.
 - d) Requires that, if upon re-inspection HCD issues a second notice of violation for a mobilehome resident violation, HCD issue the notice to the registered owner, with a copy provided to the occupant and to the owner or operator of the park and the responsible person. If upon re-inspection HCD issues a second notice of violation for a mobilehome park violation, requires HCD to issue the second notice to the owner or operator and the responsible person, and post a copy of the violation in a conspicuous place in the mobilehome park's common area.
- 4) Provides that HCD may, at its sole discretion, determine not to issue a notice of violation if the violation does not constitute an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, and places requirements on HCD regarding documenting the violation and its determination not to issue a notice of violation.
 - 5) Defines a "responsible person" as a person described in Health and Safety Code Section 18603.

COMMENTS

1. Author's Statement

According to the author:

A 2023 study by Harvard University's Joint Center for Housing Studies found that mobilehomes present an opportunity for homeownership for low-income households due to their "greater efficiencies in purchasing, production, and installation" in comparison to traditionally-built housing. These units are often the most affordable alternative – and last resort – for many facing homelessness.

In the event a resident fails to correct a cited violation issued by the Department of Housing and Community Development (HCD), a mobilehome park owner has almost no other option than serving an eviction notice since the park operator is only notified of the failure to correct after 60 days and then has only 30 days to ensure the violation is corrected. A park owner's Permit to Operate – and their ability to collect rent – can be revoked for uncured violations, which jeopardizes the housing of every resident.

SB 1108 will reduce the number of mobilehome evictions by extending the allotted time for a mobilehome owner to cure a violation from 30 days to 90 days and providing a copy of any violation notice to the park owner so they can better assist residents in curing violations.

2. Mobilehomes represent an important source of affordable housing in California

There are an estimated 508,589 mobilehome units in California.¹ Mobilehomes are pre-fabricated homes that are designed to be able to be transported and moved between locations. Because mobilehomes are transportable, they are considered personal property instead of real property like traditionally-built homes, and are not tied to the land on which they sit. Thus, mobilehomes are unique among all residential options. However, while they are technically mobile, a significant amount of time, effort, and money is often required to actually move a mobilehome. Costs for moving a mobilehome range from a few thousand to tens of thousands of dollars. Mobilehomes are also unique because many mobilehome residents own their mobilehome, but lease the land upon which their home is located from a mobilehome park. In this arrangement, the mobilehome sits on a lot within a park of mobilehomes and common space. The mobilehome park and the lots on which the mobilehomes sit are usually privately owned and managed by a mobilehome park company.

Under this relationship, while residents technically own their mobilehome, they pay rent to the park management, are subject to the rules of the mobilehome park set by the ownership of the park, and they often rely on the park for the provision of utilities. If they fall behind on their rent payments to the park for their mobilehome's lot, or if they violate a rule of the park, they can be evicted from the park. Considering they may have paid considerable amounts of money into buying the mobilehome that they can no longer live in, they could lose the equity they've accumulated in their mobilehome upon eviction by the park, either by having to sell the mobilehome quickly, or spend thousands of dollars to move their mobilehome elsewhere.

Mobilehome residents in California tend to be poorer and older than the average California renter, for which mobilehome ownership is an important option for

¹ U.S. Census Bureau, 2021 American Community Survey 1-Year Estimates (2021), available at <https://data.census.gov/>.

affordable housing. In fact, the median price of a mobilehome in 2022 was \$68,900, making mobilehome ownership one of the most significant, un-subsidized sources of affordable housing.²

3. The laws that regulate mobilehome parks

In light of the unique nature of mobilehome parks and issues, the Legislature passed the Mobilehome Residency Law (MRL) in 1978 to regulate the relationship between mobilehome park management and park residents, and establish various rights, responsibilities, and limits of both groups. (Civ. Code § 798 *et seq.*) The MRL covers a variety of areas, including: permissible rental and lease contract terms; park rules and mandatory notices to residents; limits on fees and charges, as well as increases to them; and conditions and limits related to mobilehome park evictions. Provisions of the MRL relating to eviction require park management to give written notice to the resident, and provide for at least 60 days for the resident to either sell their mobilehome or remove it from the park. (Civ. Code § 798.55.) It also specifies that a park may evict a resident only for: failing to comply with a local or state law or regulation on mobilehomes within a reasonable time after the homeowner receives notice of noncompliance; conduct of the resident that amounts to a substantial annoyance of other homeowners or residents; conviction for certain crimes; failure to comply with a reasonable rule of the park; or for nonpayment of rent, utilities, or other reasonable incidental service charged by the park. (Civ. Code § 798.56.)

Mobilehomes and Mobilehome parks are also regulated through two other acts: The Manufactured Housing Act of 1980 (Health & Saf. Code § 18000 *et seq.*) and the Mobilehome Parks Act (MPA) (Health & Saf. Code § 18200 *et seq.*). The Manufactured Housing Act prescribes various standards on the structural, fire safety, plumbing, heating, and electrical systems of a manufactured home, or mobilehome, and prescribes the selling, titling, registration, and installation of mobilehomes. The MPA defines the requirements for permits and fees for the construction and operation of mobilehome parks, and governs the health and safety standards for parks and the occupancy of mobilehomes. Included in the MPA is Chapter 4, which provides that a permit is required to construct a park, to construct or alter existing or any additional buildings or lots in an existing park, to operate, occupy, rent, lease, or sublease a lot, and for any construction, mechanical, plumbing, electrical, and installation of a mobilehome. It also provides for fees for such permits, and outlines the requirements for the park's permit to operate. Chapter 5 requires HCD to adopt regulations on the use and occupancy of mobilehomes, establishing minimum requirements to protect the health and safety of occupants and the public, and providing for the repair or abatement of any unsafe or unsanitary condition of the home. It also requires HCD to adopt building standards for the construction, location, and use of mobilehomes, and requires HCD to enforce these

² U.S. Census Bureau, 2010 American Community Survey 5-Year Estimates (2010), available at <https://data.census.gov/>.

standards. Under Section 18550 of Chapter 5, mobilehomes must conform to HCD's regulations for fuel, gas, water, electricity, sewage, and installation requirements, and must be in a safe and sanitary condition, structurally sound, and registered with HCD. (Health & Safety Code § 18550.) Chapter 6 requires HCD to adopt regulations reasonably necessary for the protection of life and property relating to gas equipment and installations in parks, and regulations and rules relating to fire prevention.

4. HCD's enforcement and inspection authority

Under the provisions of the MPA, HCD has authority over the enforcement of health and safety standards for and permitting of mobilehomes and mobilehome parks. A mobilehome park must be issued a permit to operate by HCD in order to operate the park and collect rent from mobilehome residents, and the park must renew the permit to operate every year. (Health & Saf. Code § 18506.) If a mobilehome park is in violation of one of the provisions of the laws or regulations relating to mobilehome parks, HCD can suspend the park's permit to operate. If a park's permit has been suspended by HCD, the park cannot renew their permit to operate or have a new permit issued until they have corrected the violation that was the basis of the suspension. It also cannot collect rent while its permit is suspended. If a park's permit to operate is revoked, no residents can reside in the park. With HCD's approval, a city or county can also act as a local enforcement agency and enforce the MPA and perform inspections of mobilehome parks within its jurisdiction.

AB 925 (O'Connell, Ch. 1125, Stats. 1990) created the Mobilehome Park Maintenance (MPM) program. The MPM provides HCD the authority to enter a mobilehome park to inspect it for compliance with the MPA's health and safety standards, and requires HCD to annually inspect parks with a goal of inspecting five percent of parks in the state a year. (Health & Saf. Code § 18400.1.) Through this program, HCD inspects mobilehome parks for either violations of the MPA by the park, or for violations of the MPA by a mobilehome resident. HCD must give a park and its residents 30 days' notice and a pre-inspection orientation before an inspection, and HCD generally inspects the park's common areas, facilities, and utilities, and the exterior of all mobilehomes and lots. The MPM as originally passed included a sunset date for the program, but its sunset has been regularly extended since AB 925 was passed in 1990. The MPM was last extended in 2023 by SB 319 (Connolly, Ch. 737, Stats. 2023), and is currently set to sunset on January 1, 2025.

In 2023, HCD inspected approximately 5.3 percent of the state's mobilehome parks, and identified 4,102 resident violations and 1,529 park violations.³ The most common park violations identified by HCD inspections were exposed live electrical parts, gas meters

³ Division of Codes and Standards, Mobilehome Park Maintenance (MPM) Inspection Task Force: Member Briefing Document, Cal. Dept. of Housing & Community Development (Mar. 15, 2024) p. 3-6, available at <https://www.hcd.ca.gov/manufactured-and-mobilehomes/mobilehome-parks/mobilehome-park-maintenance-inspections>.

not supported, and electrical components not approved for a wet location. The most common resident violations involved an accumulation of garbage or combustible material, appliances being outside the mobilehome, and a lack of handrails on stairs. About 82 percent of these violations were corrected.

5. HCD's process for correcting a violation of the MPA

Chapter 3.5 of the MPA (at Health & Saf. Code §18420, *et seq.*) outlines the procedures HCD must follow for a violation of the MPA, including for issuing notices of violations and pursuing enforcement actions. It provides that, if upon inspection of a park, HCD determines that a mobilehome park is in violation of one of the provisions of the MPA or related HCD regulations, it must issue a notice to correct the violation to the park owner or operator within 10 days, or immediately if the violation constitutes an imminent threat to health and safety. (Health & Saf. Code § 18420.) The owner or operator of the park is responsible for correcting any violation of rules relating to the mobilehome park. If HCD determines that a particular mobilehome is in violation of a provision of Chapter 4, 5, or 6 of the MPA or related regulation pertaining to mobilehomes, HCD must also issue a notice to correct the violation to the owner of the mobilehome, and to the occupant of the mobilehome, if different from the owner, within 10 days. If the violation constitutes an imminent hazard and immediate risk to life, health, and safety requiring immediate correction, HCD must issue the notice immediately with a copy additionally mailed to the owner or operator of the mobilehome park and the responsible person (an individual selected by the park to be available by phone or other means and be responsible for management of the park). The owner of the mobilehome is responsible for the correction of a violation related to the home itself, though the park is ultimately responsible for any violations within the park.

For violations that are not imminent threats to health and safety, the Department must provide 60 days from the date of the notice of violation for the violation to be corrected. After the 60 days, HCD re-inspects the park or mobilehome in violation to determine if the violation has been corrected. It may provide an additional 30 days or other reasonable period of time for correction if it determines that there is a valid reason why a violation has not yet been corrected, such as weather conditions, illness, availability of repair persons, or availability of financial resources. However, if HCD re-inspects and finds that the violation has not been corrected, it will issue a second notice of violation. For a violation of the MPA that is the responsibility of a particular mobilehome owner, this second notice is issued to the mobilehome owner, with a copy also provided to the owner or operator of the mobilehome park and to the park's responsible person. For a violation that is the responsibility of the mobilehome park, the second notice of violation is also posted in a conspicuous place in the park's common area. Upon issuance of this second notice of violation, the violating party has 30 more days to correct the violation before HCD issues a final notice of violation.

Chapter 3.5 also provides HCD with discretion not to issue a notice of violation if the condition constituting the violation does not constitute an imminent hazard representing an immediate risk to life, health, and safety. If an owner or operator of the mobilehome park, or the registered owner of the mobilehome disputes the agency's determination of a violation, or a violation of a failure to correct the violation within the provided timeframe, or the reasonableness of the deadline for correction, they may request an informal conference with HCD regarding the issue. (Health & Saf. Code § 18421.)

If violations are not corrected, HCD possesses a variety of powers for enforcement. For resident violations, these include pursuing an action in a civil court proceeding to order compliance and referring the violator to the local District Attorney. State law makes a willful violation of the MPA a misdemeanor, conviction of which may subject the violator to fines and civil penalties. (Health & Saf. Code § 18700.) Furthermore, because park owners and operators are ultimately responsible for the health and safety of the park, if an individual mobilehome owner is in violation of one of the provisions of the MPA and does not correct the violation, HCD can threaten to suspend the mobilehome park's permit to operate until the violation is corrected. In such a scenario, the park may then work with the resident to fix the violation, or work to evict the tenant. Since mobilehome parks cannot collect rent or operate a mobilehome park without a permit to operate, the threat of suspension is a powerful tool to achieve compliance. If a mobilehome park is the subject of the noncompliance, HCD can likewise initiate a legal proceeding, or it can suspend the park's permit to operate.

6. This bill extends the enforcement provisions of the MPA indefinitely, with notable changes

Chapter 3.5 and its provisions describing the process for HCD to issue notices of violation include a provision repealing the chapter on January 1, 2025. This bill essentially extends the provisions of Chapter 3.5 indefinitely; however, with some additional changes.

Significantly, this bill extends the period of time that HCD must provide for the correction of a violation after the first notice of the violation from 60 days to 90 days. It also slightly amends the requirements for an initial notice of violation for a mobilehome resident violation. While Chapter 3.5 currently only requires that this notice be provided to the mobilehome owner with a copy sent to the occupant if other than the owner, this bill specifies that a copy also must be issued to the responsible person in the park. As previously noted, the responsible person is an individual designated by the park ownership or management who is responsible for the park operation and maintenance.

The author has agreed to accept an amendment that will remove from the provision in the bill relating to an initial notice of violation by a resident that requires HCD to issue a

copy of the notice of violation to the responsible person when the violation is not an imminent hazard. This will align the bill's notice requirement with current law.

Amendment

Section 18408 is added to the Health and Safety Code, to read:

18408.

(a) (1) If, upon inspection, the enforcement agency determines that a mobilehome park is in violation of any provision of this part, or any rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the owner or operator of the mobilehome park and to the responsible person, as defined in subdivision (e).

(2) In the event of a violation that constitutes an imminent threat to health and safety, the notice of violation shall be issued immediately and served on the owner or operator of the mobilehome park and to the responsible person.

(3) The owner or operator of the mobilehome park shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(b) (1) If, upon inspection, the enforcement agency determines that a manufactured home, mobilehome, an accessory building or structure, or lot is in violation of any provision of Chapter 4 (commencing with Section 18500), Chapter 5 (commencing with Section 18550), Chapter 6 (commencing with Section 18690), or any rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the registered owner of the manufactured home or mobilehome, with a copy to the occupant thereof, if different from the registered owner, ~~and to the responsible person, if any.~~

This bill also adds a provision requiring that HCD exhaust all administrative and legal recourse against a resident who fails to correct a violation for which they are responsible before requesting the mobilehome park owner or operator act to correct the violation. The Sponsor of this bill asserts that this is consistent with current HCD practice, and will be codifying provisions of an HCD Information Bulletin (IB MP 1991-03). This provision would require that HCD exhaust the administrative process previously described to attempt to obtain a resident's compliance, as well as exhaust any enforcement action through court, before attempting to correct the issue through the mobilehome park owner or operator. HCD's primary power of enforcement with regard to a park owner or operator is to threaten to suspend the park's permit to

operate unless the violation is corrected, so this provision effectively acts to prevent HCD from suspending a park's permit to operate unless it is the last resort, and all other available actions have been unsuccessful. The author argues this is reasonable because parks need their permits to operate in order to collect rent, and because resident violations of the MPA are violations the park owner or operator did not cause.

In addition, this bill does not include Section 18421, the provision of Chapter 3.5 providing for an opportunity to contest HCD's determinations at an informal conference with HCD. As such, those provisions will sunset on January 1, 2025. It should also be noted that this bill does not extend or eliminate the sunset provision in place for the MPM inspection program, such that the MPM inspection program and the requirements that HCD annually inspect at least five percent of mobilehome parks annually also will sunset on January 1, 2025. Contained in that section includes the requirement that HCD provides at least 30 days' notice and a pre-inspection before inspecting a park. However, while the MPM program requires HCD to inspect a certain number of parks a year and prescribes procedures for HCD to do so, HCD does have permissive authority to inspect parks independent of the MPM (that authority is provided in Section 18400). Still, the sunset of the MPM inspection program could greatly affect the enforcement of the MPA and the numbers of notices of violation that HCD is able to issue. Thus, it may be prudent for the Legislature, or the authors of this bill, to consider also eliminating the sunset provisions of the MPM at Section 18400.1 to ensure that HCD continue annual inspections of mobilehome parks necessary for identifying, noticing under this bill's provisions, and correcting violations of the MPA.

7. Arguments in support

The Western Manufactured Housing Communities Association, the sponsor of this bill, writes:

The practical effect of this legislation is that residents will see far fewer notices of eviction from mobilehome park owners. Under existing law, if a resident is cited for a violation of the MPA, the owner of the mobilehome park is only notified by the Department of Housing and Community Development (HCD) or a Local Enforcement Agency (LEA) hereafter referred to as "enforcement agencies," after 60 days have passed without the violation being cured. Once the park owner receives notification of a violation, the mobilehome park has only 30 days to ensure the resident cures the violation or the park's PTO is threatened with revocation.

To protect its ability to continue accepting rent payments from the entire mobilehome park, once notified of an uncured violation a park owner's only option is to serve an eviction notice to the cited tenant. SB 1108 would provide a park owner notification of the cited violation within 10 days after the violation is issued. Further, SB 1108 will provide residents 90 days after the violation is cited

before a PTO is subject to revocation. This would likely result in a reduced number of eviction notices as these notices are necessary to compel residents to correct violations to preserve a mobilehome park's PTO. In cases involving an imminent danger to the health and safety of the mobilehome park, mobilehome park owners will be notified immediately about a violation to protect the entire park's health and safety.

SB 1108 also protects residents and mobilehome park owners by requiring the enforcement agencies to provide a list of local agencies that have home rehabilitation or repair programs for which owners or residents of mobilehomes in mobilehome parks may be eligible. Members of the WMA have expressed frustration that violations could be cured sooner if information is provided to the owner or resident of a mobilehome about who to contact to perform the necessary repairs to address the violation. SB 1108 would require enforcement agencies to provide such a list to both the owner of a mobilehome and to the park owner.

WMA recognizes that production and maintenance of a list of service providers could require enforcement agencies to devote time and resources. That is why WMA would be generally supportive of a fee to be collected from service providers who desire to be included in the list provided to residents and park owners so long as such fee is only used to create, maintain, review, publish, and provide the list.

WMA appreciates the intent behind SB 1108 of avoiding unnecessary eviction notices being served when many violations could be promptly cured if the mobilehome park owner is notified sooner than the current 30 days. Many of the violations involve issues such as damaged hand railings, damaged or missing skirting, and other issues that can be quickly and affordably corrected that do not involve an imminent danger to the health and safety of the residents of the mobilehome park.

Finally, owners of mobilehome parks are in the business of providing housing opportunities for people. Our members do not want to engage in evictions if possible. Evictions are time consuming, expensive, divisive, and detrimental to an overall harmonious community environment that our members strive to promote.

SUPPORT

Western Manufactured Housing Communities Association (sponsor)

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

AB 2373 (Rendon, 2024) prohibits a mobilehome tenancy from being terminated by a park owner or operator or a notice of termination from being issued during any period of suspension or expiration of the park's permit to operate.

AB 2247 (Wallis, 2024) extends the requirement that HCD issue notices of violation and pursue enforcement for violations of the MPA under specified procedures from January 1, 2025 to January 1, 2030, and requires HCD to include specified information regarding recipients of loans under the MORE program with a notice of violation given to a mobilehome owner or occupant.

Prior Legislation:

AB 319 (Connolly, Ch. 737, Stats. 2023) extended the MPM program until January 1, 2025, and added transparency and conflict of interest requirements for HCD mobilehome park inspectors.

AB 2002 (Villapudua, 2022) would have required HCD to establish a program, upon appropriation, for providing grants or funds to homeowners or occupants of mobilehomes for making repairs to their mobilehomes required by HCD. AB 2002 was held in the Senate Appropriations Committee.

SB 46 (Leyva, Ch. 835, Stats. 2018) extended the MPM program until January 1, 2024.

SB 951 (Correa, Ch. 314, Stats. 2010) extended the MPM program until January 1, 2019.

SB 1231 (Dunn, Ch. 644, Stats. 2006) extended the MPM program and the notice of violation and enforcement provisions relating to MPA violations until January 1, 2012.

SB 1176 (Dunn, Ch. 622, Stats. 2004) reduced the time HCD must allow a resident or park to correct a violation of the MPA or related regulations from 90 days to 60 days, plus a potential 30 day or reasonable time extension.

SB 700 (O'Connell, Ch. 520, Stats. 1999) required local enforcement agencies to enter and inspect all mobilehome parks once every 7 years, and extended the MPM program until January 1, 2007.

AB 925 (O'Connell, Ch. 1175, Stats. 1990) created the MPM program, established procedures for HCD to issue notices of violations of the MPA found during an HCD inspection, authorized a mobilehome owner or park to contest HCD determinations relating to violations through an informal conference, and required HCD or a local enforcement agency to inspect every mobilehome and every mobilehome park in the state once every five years.

PRIOR VOTES:

Senate Housing Committee (Ayes 10, Noes 0)
