

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

AB 1472 (Alvarez)  
Version: June 24, 2024  
Hearing Date: July 2, 2024  
Fiscal: No  
Urgency: No  
AM

**SUBJECT**

City of Imperial Beach: recreational vehicle parks: registration requirements

**DIGEST**

This bill prohibits a person from requiring an occupant, tenant, or resident in a recreational vehicle (RV) park located within the City of Imperial Beach to reregister if the purpose of the reregistration requirement is to prevent the occupant, tenant, or resident from gaining or maintaining status as a resident, and provides for a rebuttable presumption that the reason for requiring reregistration is to prevent them from gaining or maintaining status as a resident. The bill makes a person who violates these provisions liable for a civil penalty of \$500, and requires a court to award reasonable attorney's fees and costs to the prevailing party.

**EXECUTIVE SUMMARY**

This bill is intended to address an issue that occurred in the author's district. It was reported that tenants at Miramar Mobile Home & RV Park in Imperial Beach were being required to move out every six months for at least a few days or face eviction.<sup>1</sup> Often their rents were increased when they returned. The Miramar Park contains both mobile home and RV spots. In response, the city council issued an emergency ordinance capping rent increases and banning evictions. In the interim, attorneys representing the park owners and tenants entered negotiations regarding these issues. This bill seeks to prevent this situation from continuing to occur. This bill failed passage in this Committee last year but was granted reconsideration. The author recently amended this bill to limit its provisions to apply only to RV parks located in the City of Imperial Beach and not statewide. Most of the support and opposition submitted was for the bill before it was recently amended. The only updated letter submitted was by the California Outdoor Hospitality Association – who is in opposition.

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<sup>1</sup> Tammy Murga, *Imperial Beach extends protections for RB/mobile home park tenants for 30 days*, San Diego Union-Tribune (Apr. 20, 2023), available at <https://www.sandiegouniontribune.com/communities/south-county/story/2023-04-20/imperial-beach-extends-protections-for-rv-mobile-home-park-tenants-for-30-days>.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes the Special Occupancy Parks Act, which governs the construction, permitting, and oversight of maintenance and habitability in recreational vehicle (RV) parks, temporary RV parks, incidental camping areas, or tent camps that are not owned or operated by a government entity or a nonprofit entity under temporary, permanent, or emergency use. (Health & Saf. Code §§ 18860-18874.)
  - a) "Recreational vehicle park" means any area or tract of land, or a separate designated section within a mobilehome park where two or more lots are rented, leased, or 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 owners or users of recreational vehicles, camping cabins, or tents. (Health & Saf. Code § 18862.39.)
  - b) "Occupant" and "resident" are interchangeable and include "occupant," "resident," "tenant," or "guest" as used in the RV Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of the Civil Code). (Health & Saf. Code § 18862.30.)
- 2) Establishes the RV Park Occupancy Law and defines the following terms:
  - a) "Management" means the owner of a recreational vehicle park or an agent or representative authorized to act on their behalf in connection with matters relating to the park. (Civ. Code § 799.26.)
  - b) "Occupant" means the owner or operator of a recreational vehicle who has occupied a lot in a park for 30 days or less. (Civ. Code § 799.28.)
  - c) "Resident" means a tenant who has occupied a lot in a park for nine months or more. (Civ. Code § 799.31.)
  - d) "Tenant" means the owner or operator of a recreational vehicle who has occupied a lot in a park for more than 30 consecutive days. (Civ. Code § 799.32.)
- 3) Prohibits an occupant registration agreement or tenant rental agreement from containing a provision by which the occupant or tenant waives the tenant's rights under the provisions of the RV Park Occupancy Law, and any waiver of these rights is deemed contrary to public policy and void. (Civ. Code § 799.42.)
- 4) Authorizes management to terminate or refuse to renew the right of occupancy of a tenant for other than nonpayment of rent or other charges upon the giving of a written notice to the tenant upon the giving of a written notice to the tenant to remove the RV from the park. The notice is not required to state the cause for termination, but must provide not less than 30 days' notice of termination of the tenancy. (Civ. Code § 799.66.)

- 5) Authorizes management to terminate or refuse to renew the right of occupancy of a defaulting resident upon the giving of a written notice, in a specified manner, to the defaulting resident to remove the recreational vehicle from the park. The notice is required to provide not less than 60 days' notice of termination of the right of occupancy and must specify one of the following reasons for the termination of the right of occupancy:
  - a) Nonpayment of rent, utilities, or reasonable incidental service charges, provided that the amount due has been unpaid for a period of five days from its due date, and provided that the resident is given a three-day "pay or quit" notice subsequent to that five-day period, in the manner prescribed by existing civil procedure law governing "pay or quit" notices;
  - b) Failure of the resident to comply with a local ordinance or state law or regulation relating to the RV park or RVs within a reasonable time after the resident or the management receives a notice of noncompliance from the appropriate governmental agency and the resident has been provided with a copy of that notice;
  - c) Conduct by the resident or guest, upon the park premises, which constitutes a substantial annoyance to other occupants, tenants, or residents;
  - d) Conviction of the resident of prostitution, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the park, including, but not limited to, within the resident's RV, unless the person convicted of the offense has permanently vacated and does not subsequently reoccupy the RV;
  - e) Failure of the resident or a guest to comply with a rule or regulation of the park which is part of the rental agreement or any amendment, so long as the resident has been notified in writing of the violation and has failed to correct the violation within seven days;
  - f) Condemnation of the park; or
  - g) Change of use of the park or any portion of the park. (Civ. Code § 799.70.)
- 6) Provides that in any action arising out of the provisions of the RV Park Occupancy Law, the prevailing party is entitled to reasonable attorney's fees and costs.
  - a) A party is deemed a prevailing party if the judgment is rendered in their favor or where the litigation is dismissed in their favor prior to or during the trial, unless the parties otherwise agree in the settlement or compromise. (Civ. Code § 799.78.)
- 7) Provides the court discretion to award additional penalty fees to a current or former occupant, tenant, or resident who is the prevailing party in a civil action against the management to enforce their rights under the RV Park Occupancy Law. In addition to damages afforded by law, the court may award the current or former occupant, tenant, or resident up to \$500 for each willful violation of any provision of the RV Park Occupancy Law by management. (Civ. Code § 799.79.)

This bill:

- 1) Prohibits a person from requiring an occupant, tenant, or resident in a RV park located in the City of Imperial Beach to reregister if the purpose of the reregistration requirement is to prevent the occupant, tenant, or resident from gaining or maintaining status as a resident.
- 2) Provides that, if it is established by a preponderance of the evidence that an occupant, tenant, or resident was required to reregister, there will be a rebuttable presumption that the purpose of that requirement was to prevent the occupant, tenant, or resident from gaining or maintaining status as a resident.
- 3) Makes a person who violates these provisions liable for a civil penalty of \$500.
- 4) Requires a court to award reasonable attorney's fees and costs to the prevailing party.
- 5) Makes Legislature finds and declarations of the Legislature that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the of the unique impact of rising rents in recreational vehicle parks in the City of Imperial Beach as compared to neighboring cities.

### COMMENTS

1. Stated need for the bill

The author writes:

Since 2022, Mobilehome and RV parks within the City of Imperial Beach have been requiring long-term residents to renew their tenant agreements every 6 or 9 months to avoid the tenants being defined as "Resident" (CIV Code Sec. 799.31). During this renewal process, the tenants, which includes families with small children, are forced to relocate to hotels or find other housing options and move their RV, usually for a few days, and then return to the RV park with a new tenant agreement, often with an increased rental rate. Many of these families have lived in the park for more than a decade.

This 'RV Shuffle' process is repeated again and again, resulting in persistent dislocation of a disadvantaged population and causing them ongoing mental and financial hardship.

AB 1472 will discourage the RV Shuffle practice in the City of Imperial Beach by instituting a financial penalty on RV park owners that are requiring tenants to re-

register if the sole purpose is to prevent tenants from gaining or maintaining status as Resident.

This bill is supported by the City of Imperial Beach and modeled after AB 2867 (2004, Núñez) that addressed a similar practice occurring at residential hotels.

2. This bill seeks to prevent the “RV shuffle” in order to protect the rights of residents in RV parks

The author brings this bill in response to a situation that occurred at the Miramar Mobile Home & RV Park in Imperial Beach. Tenants staying in RVs at this park reported that they were “forced to move out every six months for at least 48 hours,” which was extremely costly for these tenants with some reporting costs of several thousand dollars.<sup>2</sup> The tenants believed that management was doing this to prevent them from gaining status as a resident under the RV Park Occupancy Law. The Voice of San Diego covered this issue and reported the following about one of the RV Park tenants, Rachel Orozco:

Orozco is required to pack up her stuff and leave for at least 48 hours every six months. Otherwise she could be evicted, as the park doesn’t consider its residents to be residents worthy of state protections until they’ve been there for nine months straight.

First, Orozco needed to find another place to park her trailer. She spent two nights with her family and two nights in a hotel. She had to take personal time off work in the process. The food in her fridge went bad. She came back to the property to find that the required deposit had gone up \$250.

All told, the cost of temporarily vacating the park was about equal to her \$740 rent, which undermined her reason for being there in the first place. She browsed apartment listings in the area but quickly concluded that the rest of Imperial Beach was too expensive.

Her last move-out was in March and she’s scheduled for another in September. “It’s just stressful to know that most likely I’m gonna have to do it again,” she told me.

In order to address this practice, the bill prohibits a person from requiring an occupant, tenant, or resident in a recreational vehicle park located in the City of Imperial Beach to reregister if the purpose of the reregistration requirement is to prevent the occupant, tenant, or resident from gaining or maintaining status as a

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<sup>2</sup> Sheila Pell, *Imperial Beach says time's up for Miramar Mobile Home & RV Park*, San Diego Reader (Oct. 3, 2022), available at <https://www.sandiegoreader.com/news/2022/oct/03/stringers-imperial-beach-says-times-miramar-mobile/>.

resident. The bill provides that if it is established by a preponderance of the evidence that an occupant, tenant, or resident was required to reregister, there is a rebuttable presumption that the purpose of that requirement was to prevent the occupant, tenant, or resident from gaining or maintaining status as a resident. A person who violates these provisions is liable for a civil penalty of \$500, and a court is required to award reasonable attorney's fees and costs to the prevailing party.<sup>3</sup>

### 3. Bill failed passage last year, but was granted reconsideration

Last year, this bill failed passage in this Committee because the bill's provisions applied statewide. Opposition to the bill expressed major concerns with such a policy that they argued would essentially turn temporary recreational parks into long-term housing. The bill was granted reconsideration and the author recently amended the bill to make its provisions apply just to RV parks located in the City of Imperial Beach. It is unclear to Committee staff how many parks will be affected by this law, but research indicates it may be only one RV park – the Miramar Mobile Home & RV Park in Imperial Beach.

### 4. Support

All of the Support this Committee has received was for the bill before it was recently amended to limit it to apply solely to RV parks in the City of Imperial Beach. As such, it is unclear if they still support the bill after it was recently amended. Since the bill is similar, though pared down, the support received is included in this analysis.

### 5. Opposition

Most of the opposition this Committee has received for the bill pertains to the bill before it was recently amended. The only entity that has submitted an updated opposition letter is the California Outdoor Hospitality Association. It is unclear if the other opposition is still opposed now that the bill has been narrowed. Many of the concerns raised were about the effect of the bill on all RV parks in the state. Specifically, that a statewide requirement would turn every short-term stay RV park into long-term housing, effectively ending California's RV park industry. As the bill has been significantly narrowed, many of the opposition concerns may be moot.

### 6. Statements in support

The City of Imperial Beach writes in support, stating:

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<sup>3</sup> Jesse Marx, *Mobile Homeowners at Risk of Eviction Petition Imperial Beach for Help*, Voice of San Diego, (Aug. 4, 2022), available at <https://voiceofsandiego.org/2022/08/04/how-rv-parks-can-elude-tenant-protections/>.

A growing population in California, especially those on fixed income, are residing in recreational vehicles (RV) within authorized RV parks, in-part due to a shortage of affordable housing options. These tenants have been forced to relocate to hotels or find other housing options and move their RV, usually every 6-months for 48 hours, and then return to the RV Park just so they can continue residing in their RV in an authorized RV park. This process is repeated again and again and is causing significant mental and financial hardship on tenants.

AB 1472 addresses the RV Shuffle problem which has been requiring long-term RV residents to move out and reregister in order for the tenants to avoid being defined as "Resident" (CIV Code Sec. 799.31).

AB 1472 is based on AB 2867 passed in 2004, that discourages a similar practice occurring at California's residential hotels. AB 1472 will ensure long-term RV residents in good standing can live without fear of eviction and provides quality of life improvements.

#### 7. Statements in opposition

The California Outdoor Hospitality Association writes in opposition stating:

[...] This is a local issue and Imperial Beach (1B) can promulgate new laws if it so desires so we are unclear why the state sees the need to intervene when 1B can make the change itself.

We can certainly appreciate one's desire to assist their constituents, but our association feels strongly that AB 1472 will have the reverse effect of what is being presented and set a precedence that could be severely detrimental to the RV park industry and local tourism economies. Current law already allows RV Park Owners to allow people to remain in the park and become permanent residents. But that is up to the discretion of the park owner and is based on many factors, including without limitation, their CUPs, locations, need, etc.... But who knows what the future holds and assuming California can achieve its goals for providing affordable housing, owners are concerned about increasing the number of permanent spaces in lieu of transient spaces.

Requiring a Special Occupancy Park (SOP or RV park) to offer full time residency after a 9 month length of stay or be fined will likely result in the park requiring the guest vacate at the end of the 6-month term with no possibility of return in order to ensure they aren't in violation if AB 1472 is signed into law. The California Outdoor Hospitality Association opposes AB 1472 regardless of the locality.

**SUPPORT**

Alliance of Californians for Community Empowerment (ACCE Action)  
City of Imperial Beach  
Public Interest Law Project

**OPPOSITION**

California Outdoor Hospitality Association  
City of Lake Elsinore  
DeAnza Corporation  
Padre Dam Municipal Water District

**RELATED LEGISLATION**

Pending Legislation: SB 620 (McGuire, 2023) exempts “low-impact camping areas,” as defined, from the Special Occupancy Parks Act (SOPA) and establishes minimum health and safety requirements for low-impact camping areas. SB 620 is currently pending in the Assembly Appropriations Committee.

Prior Legislation: AB 2867 (Núñez, Ch. 950, Stats. 2004) provided that evidence that an occupant of a residential hotel was required to check out and reregister creates a rebuttable presumption, solely affecting the burden of producing evidence, of the purpose of having an occupant maintain transient status, as specified.

**PRIOR VOTES**

Senate Judiciary Committee, vote to grant reconsideration (Ayes 11, Noes 0)  
Senate Judiciary Committee (Ayes 2, Noes 6)  
Assembly Floor (Ayes 72, Noes 0)  
Assembly Housing and Community Development Committee (Ayes 7, Noes 0)

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