

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

SB 1408 (Roth)
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Hearing Date: April 2, 2024
Fiscal: No
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ID

SUBJECT

Mobilehome parks: vehicle removal

DIGEST

This bill prohibits a mobilehome park's management from removing a vehicle from a mobilehome owner or resident's driveway, designated parking space, or space provided by management if the vehicle is required by the mobilehome owner for work or employment, or if trades or services are advertised on the vehicle, with specified exceptions.

EXECUTIVE SUMMARY

Mobilehomes and the mobilehome parks in which most mobilehome owners reside represent an important source of affordable housing in California. However, for working people living in mobilehome parks, park rules regarding permissible vehicles can interfere with their business or employment and cause them to incur unnecessary expenses. There are reports that some parks maintain rules prohibiting vehicles with tools or equipment showing, or other rules that effectively disallow residents to park the vehicles that they use for work. In order to ensure that mobilehome park residents can keep their work-related vehicles in their mobilehome driveways or designated parking spaces, this bill prohibits a mobilehome park from removing a vehicle that is required by the mobilehome owner or resident for work or employment, or which displays advertisements for trades or services. This bill includes three exceptions to its prohibition: when the vehicle extends into the park roadway, poses a significant danger to the health or safety of a park resident or guest, or when the homeowner or resident requests the vehicle be removed.

This bill is sponsored by the Golden State Manufactured-home Owners League, Inc. The committee received no timely opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Creates the Mobilehome Residency Law (MRL) 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.*).
- 2) Prohibits mobilehome park management from removing a vehicle from a mobilehome owner or resident's driveway or designated parking space, unless the park posts written notice on the vehicle's window that specifies the park rule the vehicle is violating and that the park intends to remove the vehicle in seven days. Requires the park to wait seven days, and allows a park to then remove the vehicle if it is still in violation of the park rule and the park removes the vehicle pursuant to Vehicle Code section 22658. Specifies that a park is not required to post notice and wait seven days if the vehicle is removed by the owner subsequent to the first notice and then returns, still in violation of the park's rule. (Civ. Code § 798.28.5.)
- 3) Permits an owner of private property or a common interest development to remove a vehicle parked on the property, through the specified procedures, if:
 - a) a sign, as specified, is displayed prohibiting public parking, indicating that vehicles will be removed at the owner's expense, and providing telephone numbers for local traffic law enforcement and the towing company;
 - b) the vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of such notice;
 - c) the vehicle is on private property and is inoperable, the owner of the private property has notified law enforcement, and 24 hours have elapsed since such notification; or
 - d) the lot or parcel on which the vehicle is parked is improved with a single-family dwelling. (Veh. Code § 22658.)
- 4) Establishes the Mobilehome Parks Act (MPA) to prescribe standards and requirements for construction, maintenance, occupancy, use, and design of mobilehome and mobilehome parks to guarantee park residents maximum protection of their investment and a decent living environment. Provides the Department of Housing and Community Development (HCD) with authority over enforcement of the MPA, and requires HCD to inspect five percent of state mobilehome parks for violations annually. (Health & Saf. Code § 18400 *et seq.*)
- 5) Establishes the Mobilehome Residency Law Protection Program (MRLPP) within HCD to receive complaints from mobilehome park residents regarding violations of the MRL and refer certain, meritorious valid complaints to a Legal Service Provider or appropriate enforcement agency. (Health & Saf. Code § 18800 *et seq.*).

This bill:

- 1) Provides that mobilehome park management shall not cause the removal from a mobilehome owner's or resident's driveway, designated parking space, or space provided by management for parking vehicles, any vehicle required by the homeowner for work or employment, or which advertises any trade or services on the vehicle.
- 2) Excepts for this prohibition any circumstance where:
 - a) any part of the vehicle extends into the park roadway;
 - b) where the vehicle poses a significant danger to the health or safety of a park resident or guest; or
 - c) where the resident or owner requests to have the vehicle removed from their driveway or designated parking space.

COMMENTS

1. Author Statement

According to the author:

This bill will rectify a small but persistent challenge facing working class families in mobilehome parks across the state who have had their vehicles removed from their leased parking spaces by standardizing the ability of mobilehome owners to own and park a work vehicle within certain parameters. Mobilehome parks were once largely perceived as housing for mostly retired seniors. In California, however, as housing prices for single family homes continually rise to an unattainable level for many families, mobilehome parks are becoming the last bastion of affordable home ownership. The influx of working-class families into mobilehome parks has brought about many changes. Of these changes, one of the most prominent, is the type of vehicle that residents are parking in their driveways. These vehicles include work trucks, utility vehicles, and sedans with business advertisements on their exterior.

Regulations concerning what type of vehicles can be parked in mobilehome parks oftentimes do not take into account the needs of working class people and are not standard from park to park. As a result, residents have reported several instances in which current regulations do not reflect the changing demographics in mobilehome parks in California. Moreover, current regulations in several mobilehome parks unjustly penalize/burden mobilepark residents who require these types of vehicles as part of their employment.

In order to protect mobilehome residents, park management should be prohibited from removing a vehicle used or required by the homeowner for work or employment.

This bill applies to vehicles that are visible from a homeowner's or resident's driveway or designated parking space and vehicles that advertise any trade or services. In order to preserve the safety of the roads within the park and the safety of the residents, this bill does not prohibit park management from removing or prohibiting a vehicle if any part of a vehicle extends into the park roadway or otherwise poses a significant danger to park residents.

2. California's mobilehome parks and their residents

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. Thus, mobilehomes are unique among all residential options. However, while they are technically mobile, it often requires a significant amount of time, effort, and money 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 the 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 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 While mobilehome park residents are generally older than the

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

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

general population, there are still many young and middle-aged individuals and families living in mobilehome parks. As housing in California continues to become more expensive, mobilehomes will likely become attractive options for low-income Californians of all ages looking for affordable home ownership.

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.*) Over time, the MRL has been amended to include additional protections for residents and limits on charges mobilehome parks can bill residents. 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 another reasonable incidental service charged by the park. (Civ. Code § 798.56.)

Relevant to this bill, one of the authorities provided to mobilehome park management in the MRL relates to the removal of vehicles from the park. The MRL provides that park management may remove, under specified procedures in the Vehicle Code, a vehicle within the park when the park displays signs at its entrance warning of the risk of towing. (Civ. Code § 798.28.5.) Park management also may remove a vehicle from the resident's driveway or designated parking space if management first posts a notice on the vehicle's windshield stating the specific park rule the vehicle is violating and that management plans to remove the vehicle in seven days, and if the vehicle is still in violation of the rule after seven days. Park management, however, is allowed to remove a vehicle without providing any notice or waiting seven days when the vehicle poses a significant danger to the health or safety of a park resident or guest, or when the homeowner or resident requests it be removed.

The Department of Housing and Community Development (HCD) is the agency that oversees a variety of areas of the MRL, including health and safety standards, the registration and titling of mobilehomes and parks, and the inspections of parks for health and safety issues. Under the Mobilehome Parks Act, HCD must annually inspect five percent of parks for compliance with health and safety requirements under the

Health and Safety Code, and must accept and respond to health and safety complaints. (Cal. Health & Safety Code §§ 18200-18700.) HCD also houses the Mobilehome Ombudsman, who assists the public with questions or issues related to various aspects of mobilehome law. However, the ombudsman does not have enforcement authority for the MRL, and cannot provide legal advice or arbitrate or mediate park disputes. In 2018, the Mobilehome Residency Law Protection Program was created to help mobilehome park residents better resolve issues and violations of the MRL (AB 3066, Ch. 744, Stats. 2018.) The program requires HCD to receive complaints from mobilehome park residents regarding violations of the MRL and refer certain, meritorious complaints to a Legal Service Provider or appropriate enforcement agency.

4. This bill aims to protect working mobilehome residents' right to keep their work-related vehicles at their mobilehome

According to the author, park residents across the state are increasingly encountering an issue in which mobilehome parks are implementing and enforcing rules that prohibit vehicles that have visible work tools or equipment in the park, and rules that prohibit commercial vehicles or non-passenger vehicles. One such example is a park rule that prohibits vehicles that contain "unsightly tools, equipment or other items that can be seen from the street or other spaces." As such, residents have had their work vehicles removed from their designated parking space, a space for which the resident pays rent. This has interfered with residents' employment and has sometimes resulted in residents having their vehicles, that were moved to outside the park, broken into and their tools stolen.

To remedy this issue and ensure that mobilehome park residents who require their vehicle for their job, or who advertise their own business on their vehicle, are able to keep their vehicle, this bill specifies that a park cannot remove a mobilehome owner or resident's vehicle that is required for work or that advertises any trade or services. This prohibition would not prohibit a park from passing any rule, like those cited by the author, that could effectively prohibit a vehicle used for work, but would instead prohibit a park from enforcing any such rule when the vehicle in question is required by the mobilehome owner or resident for work or is displaying an advertisement for a trade or services. Thus, this would effectively result in a right of the mobilehome owner or resident to keep in their designated parking spaces a vehicle they need for work or their business or trade.

This bill includes two exceptions to this prohibition against removal. The first exception provides that a vehicle, even one required for work or that displays an advertisement of a trade or services, that extends beyond the owner or resident's driveway may be removed. This exception is consistent with the requirements that apply to all mobilehome residents' vehicles; all residents must keep their vehicles within their designated parking space or driveway, or the specific space provided by the park. The second exception allows park management to remove a vehicle required for work or

that displays an advertisement of a trade or services if the vehicle poses a significant danger to the health or safety of a park resident or guest. This second exception mirrors the exception in Civil Code Section 798.28.5 for when a park can remove a vehicle without the seven-days' notice required under the law.

5. A mobilehome park resident's remedies if a park violates the provisions of SB 1408

Like all provisions of the MRL, the provisions of this bill would be enforceable by an aggrieved party through a civil cause of action. If a park removes a resident's vehicle when the resident requires that vehicle for their work, or the vehicle has trades or services advertisements on it, the resident could sue the park to recover damages. If the vehicle has not yet been removed, the resident could also sue for injunctive relief prohibiting its removal.

Practically speaking, however, the high cost of an attorney, the complexity of the court process for a pro se litigant, and the time that would be required to sue may make seeking redress in civil court impractical, particularly if a resident did not suffer substantial calculable damages. However, because this bill and the prohibition it provides would be added to the MRL, any violation of its sections could be the subject of a complaint to HCD through the MRLPP. Thus, considering that hiring an attorney would likely be prohibitive, having access to free legal representation through the MRLPP could still ensure residents have the ability to seek redress and enforce the provisions of this bill.

SUPPORT

Golden State Manufactured-home Owners League, Inc. (sponsor)

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 1108 (Ochoa Bogh, 2024) extends HCD's enforcement duty of various maintenance, construction, and occupancy standards of mobilehomes and mobilehome parks indefinitely, require HCD provide notice of a resident violation to the resident and to the responsible person, require that HCD provide a noncompliant mobilehome resident 90 days to remedy a violation, and require HCD to exhaust all administrative and legal remedies against a resident before requiring corrective action by a mobilehome park owner or operator. SB 1108 is currently in the Senate Judiciary Committee.

Prior Legislation:

AB 318 (Addis, Ch. 736, Stats. 2023) extends the Mobilehome Residency Law Protection Program administered by HCD until January 1, 2027, and made various changes to the requirements of eligible mobilehome resident complaints and the process for the referral of such complaints to appropriate legal services providers or enforcement agencies.

AB 3066 (Stone, Ch. 774, Stats. 2018) established the Mobilehome Residency Law Protection Act.

AB 2351 (Corbett, Ch. 302, Stats. 2004) provided that mobilehome park management may remove a vehicle from a resident's driveway or designated parking space if management first provides a written notice of the park rules that the vehicle is violating and allows the owner seven days to correct the violation, except for in certain circumstances including if the vehicle poses a significant danger to the health or safety of a park resident or guest.
