

ASSEMBLY BILL

No. 2382

Introduced by Assembly Member Corbett

February 21, 2002

An act to amend Section 798.87 of the Civil Code, and to amend Section 18402 of the Health and Safety Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2382, as introduced, Corbett. Mobilehome parks.

(1) The Mobilehome Residency Law deems the substantial failure of the management of a mobilehome park to provide and maintain physical improvements in the common facilities in good working order and condition or the substantial violation of a mobilehome park rule, or both, to be a public nuisance that may be remedied only by a civil action or abatement. The law authorizes a civil action to be brought by, among others, the district attorney or city attorney of the jurisdiction in which the park is located.

This bill would, instead, permit a nuisance action to be brought by the district attorney or county counsel of the jurisdiction in which the park, or the greater portion of the park, is located, the city attorney, when the park is located within the jurisdiction of the city, and the Attorney General.

(2) Existing law, known as the Mobilehome Parks Act, requires the owner or operator of a mobilehome park to abate any nuisance in the park within a prescribed period after written notice to remove the nuisance, and requires the district attorney of the county in which the greater portion of the park is located to bring a civil action to abate the nuisance.

This bill would permit the county counsel of the county in which the greater portion of the park is located and the city attorney, when the park is located within the jurisdiction of the city, to bring a civil action to abate the nuisance. It would also authorize the Attorney General to bring a civil action to abate the nuisance.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.87 of the Civil Code is amended to
2 read:

3 798.87. (a) The substantial failure of the management to
4 provide and maintain physical improvements in the common
5 facilities in good working order and condition shall be deemed a
6 public nuisance. Notwithstanding Section 3491, ~~such a~~ *this*
7 nuisance may only be remedied by a civil action or abatement.

8 (b) The substantial violation of a mobilehome park rule shall be
9 deemed a public nuisance. Notwithstanding Section 3491, ~~such a~~
10 *this* nuisance may only be remedied by a civil action or abatement.

11 (c) A civil action pursuant to this section may be brought by a
12 park resident, the park management, or in the name of the people
13 of the State of California, by ~~the~~ *any of the following:*

14 (1) ~~The district attorney or the city attorney~~ *county counsel* of
15 the jurisdiction in which the park, *or the greater portion of the*
16 *park*, is located.

17 (2) *The city attorney when the park is located within the*
18 *jurisdiction of the city.*

19 (3) *The Attorney General.*

20 SEC. 2. Section 18402 of the Health and Safety Code is
21 amended to read:

22 18402. The owner or operator of a park shall abate any
23 nuisance in the park within five days, or within ~~such a~~ longer
24 period of time as may be allowed by the enforcement agency, after
25 ~~he~~ *the owner or operator of a park* has been given written notice
26 to remove the nuisance. If ~~he~~ *the owner or operator of a park* fails
27 to do so within that time, the district attorney *or the county counsel*
28 of the county in which the park, or the greater portion of the park,
29 is situated ~~shall~~, *the city attorney, when the park is located within*
30 *the jurisdiction of a city, or the Attorney General, may bring a civil*



1 action to abate the nuisance in the superior court of the county in
2 the name of the people of the State of California.

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