

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN SENATE MAY 15, 2002

AMENDED IN SENATE MAY 1, 2002

**SENATE BILL**

**No. 1410**

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**Introduced by Senator Chesbro**

February 13, 2002

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An act to amend Sections 798.4, 798.23, and 798.58 of the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1410, as amended, Chesbro. Mobilehome parks: homeowners: renting.

Existing law, the Mobilehome Residency Act, defines a mobilehome park as land where 2 or more mobilehome sites are rented or offered for rent to accommodate mobilehomes for human habitation.

This bill would revise the definition of a mobilehome park to include land where 2 or more mobilehomes are rented, or held out for rent, for human habitation.

Existing law provides that the owner of any park, and a person employed by the owner, is subject to all rules and regulations of the mobilehome park, with specified exceptions. Existing law defines management to mean the owner of a mobilehome park or an agent authorized to act on the owner's behalf in connection with park tenancy. Existing law further provides that these provisions do not validate, invalidate, or express a legislative policy regarding the subletting of a mobilehome park space by a tenant.

This bill would delete the provisions concerning the subletting of a mobilehome park space by a tenant and the status of legislative policy

in this regard. The bill would instead provide that the management of a park may adopt rules permitting or prohibiting the renting of mobilehomes or the subletting of a mobilehome space by homeowners, and if renting or subletting by homeowners is prohibited, management would also be precluded from doing the same. If renting or subletting by homeowners is permitted, the bill would ~~require management to adopt a rule fixing~~ *provide that* the minimum term of a rental ~~at~~ be 6 months, ~~and would authorize management to adopt reasonable rules in this regard including, but not limited to, specified items.~~ *The bill would also provide that, if management chooses to approve prospective sublessees, specified procedures would govern these applications, and management would be liable for any damages caused when approval is withheld for other than specified reasons. The bill would also establish other requirements if renting or subletting is permitted, including that the homeowner would remain liable for the park rent and other charges, and would permit management to limit a homeowner to one rental or subletting at the same time. The bill would authorize management to adopt reasonable rules to implement these provisions.* The bill would provide that its provisions do not apply to a rental agreement that explicitly prohibits or permits the renting of mobilehomes or the subletting of a mobilehome space entered into prior to January 1, 2003, notwithstanding a provision that incorporates mobilehome park rules and regulations into the rental agreement. The bill would further provide that its provisions do not apply to any mobilehome or mobilehome space that is rented or reserved by the management for certain persons, as specified.

Existing law specifies the reasons for termination of a tenancy in a mobilehome park, and prohibits a tenancy in a mobilehome park from being terminated to make the homeowner's site available for a person who purchased a mobilehome from a park owner or his or her agent.

This bill would also prohibit a tenancy in a mobilehome park from being terminated to make the homeowner's site available for a person who purchased or proposes to purchase, or who rents or proposes to rent, a mobilehome from a park owner or the owner's agent.

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 798.4 of the Civil Code is amended to  
2 read:

3 798.4. “Mobilehome park” is an area of land where two or  
4 more mobilehomes are rented, or held out for rent, for human  
5 habitation, or two or more mobilehome sites are rented, or held out  
6 for rent, to accommodate mobilehomes used for human habitation,  
7 or both.

8 SEC. 2. Section 798.23 of the Civil Code is amended to read:

9 798.23. (a) The owner of the park, and any person employed  
10 by the park, shall be subject to, and comply with, all park rules and  
11 regulations, to the same extent as residents and their guests.

12 (b) Subdivision (a) of this section does not apply to either of the  
13 following:

14 (1) Any rule or regulation that governs the age of any resident  
15 or guest.

16 (2) Acts of a park owner or park employee which are  
17 undertaken to fulfill a park owner’s maintenance, management,  
18 and business operation responsibilities.

19 (c) (1) The management may adopt ~~rules~~ *a rule* permitting or  
20 prohibiting the renting of mobilehomes or the subletting of a  
21 mobilehome space by homeowners in the park and rules requiring  
22 that mobilehomes in the park be occupied by their registered  
23 owners. If the management adopts ~~rules~~ *a rule* prohibiting the  
24 renting of mobilehomes or the subletting of a mobilehome space  
25 by tenants or ~~rules~~ *a rule* requiring that mobilehomes be occupied  
26 by their registered owners, the management may not rent  
27 mobilehomes or sublet a mobilehome space in the park, except as  
28 provided in paragraph ~~(2)~~ (3). ~~When adopting~~

29 (2) ~~If management adopts~~ a rule permitting the renting of  
30 mobilehomes or the subletting of a mobilehome space, ~~the~~  
31 ~~management shall adopt a rule stating that the~~ *the following*  
32 *provisions shall apply:*

33 (A) *The minimum term of the rental or sublease shall be fixed*  
34 *at six months. The management may additionally adopt reasonable*  
35 *rules regarding implementation of this section, including, but not*  
36 *limited to, the following:*

37 ~~(A) The management may approve the prospective sublessee,~~  
38 ~~upon the following limitations:~~



1 (B) If the management chooses to require management  
2 approval of a prospective sublessee, the following provisions shall  
3 apply:

4 (i) Approval may not be withheld if the ~~applicant~~ prospective  
5 lessee has the financial ability to pay the rent and charges of the  
6 mobilehome park, unless management reasonably determines  
7 that, based on the prior tenancies of the ~~applicant~~ prospective  
8 lessee, he or she will be unable to comply with the rules and  
9 regulations of the mobilehome park. ~~In making this determination,~~  
10 ~~management~~ Management may not require the ~~applicant~~  
11 prospective lessee to submit a copy of any personal income tax  
12 return, but may require the ~~applicant~~ prospective lessee to  
13 document the amount and source of his or her gross monthly  
14 income or other means of financial support.

15 (ii) Upon the request of ~~any applicant or a prospective lessee~~  
16 or a homeowner who proposes to ~~sublease~~ rent a mobilehome or  
17 sublease a mobilehome space, the management shall inform that  
18 person of the information the management will require in order to  
19 determine if the ~~applicant~~ prospective lessee will be approved ~~as~~  
20 a sublessee.

21 (iii) Within 15 business days of receiving all of the information  
22 requested from the ~~applicant~~ prospective lessee, the management  
23 shall notify the homeowner and the ~~applicant~~ prospective lessee,  
24 in writing, of either the approval or rejection of the application,  
25 and the reason, if rejected. During this 15-day period, the ~~applicant~~  
26 prospective lessee shall comply with ~~any~~ a request ~~of~~ by the  
27 management for a personal interview.

28 ~~If~~  
29 (iv) If the approval of any ~~applicant~~ prospective lessee is  
30 withheld for any reason other than those ~~permitted by this section~~  
31 described in clause (i), the management may be held liable for all  
32 damages proximately caused.

33 ~~(B)~~  
34 (C) The sublessee shall be required to comply with all rules and  
35 regulations of the park.

36 ~~(C)~~  
37 (D) The homeowner shall remain liable for the mobilehome  
38 park rent and other park charges.

39 ~~(D) The homeowner may be required by the management~~



1 (E) *The management may require the homeowner to reside in*  
2 *the mobilehome park for a term of one year before management*  
3 *permits the subletting of a mobilehome or mobilehome space.*

4 ~~(E)~~

5 (F) *The management may limit a homeowner to the subletting*  
6 *renting of one mobilehome or subletting of one mobilehome space*  
7 *during the same time period.*

8 ~~(F)~~

9 (G) *Notwithstanding subdivision (a) of Section 798.39, if a*  
10 *security deposit has been refunded to the homeowner pursuant to*  
11 *subdivision (b) or (c) of Section 798.39, the management may*  
12 *require the homeowner to resubmit a security deposit in an amount*  
13 *or value not to exceed two months' rent in addition to first months'*  
14 *rent. Management may retain this security deposit for the duration*  
15 *of the term of the sublease.*

16 ~~(G)~~

17 (H) *The failure of a mobilehome owner to secure the*  
18 *sublessee's compliance with the rules and regulations of the park*  
19 *may result in the termination of the homeowner's tenancy in the*  
20 *mobilehome park, in accordance with Section 798.56.*

21 ~~(H)~~ *A homeowner's tenancy in the mobilehome park may not*  
22 *be terminated under subparagraph (G) this subparagraph if the*  
23 *mobilehome owner completes an action for unlawful detainer or*  
24 *executes a judgment for possession, pursuant to Chapter 4*  
25 *(commencing with Section 1159) of Title 3 of Part 3 of the Code*  
26 *of Civil Procedure, against the sublessee within 90 days of the*  
27 *homeowner receiving notice of eviction from management.*

28 (I) *The homeowner shall keep at all times his or her current*  
29 *address and telephone number on file with the management during*  
30 *the term of the sublease of his or her mobilehome or mobilehome*  
31 *space.*

32 (J) *Notwithstanding any other provision of law, if the*  
33 *homeowner is renting the mobilehome or subletting a mobilehome*  
34 *space, all notices required by this chapter, including, but not*  
35 *limited to, notices prescribed by Sections 798.56 and 798.57, and*  
36 *any summons or complaints for termination of tenancy against the*  
37 *homeowner, may be served on the homeowner by deposit in the*  
38 *United States mail, postage prepaid, and addressed to the*  
39 *homeowner at his or her-site space within the mobilehome park*  
40 *and to any other address provided to the management.*



1 (2) *Management may additionally adopt reasonable rules*  
2 *regarding implementation of this subdivision.*

3 (3) This subdivision does not apply to the following:

4 (A) A rental agreement entered into prior to January 1, 2003,  
5 that explicitly prohibits or permits the renting of a mobilehome or  
6 the subletting of a mobilehome space, notwithstanding a provision  
7 that incorporates mobilehome park rules and regulations into the  
8 rental agreement.

9 (B) Any mobilehome or mobilehome space that is rented or  
10 reserved by and for the management of the mobilehome park,  
11 responsible person or persons, as defined in Section 18603 of the  
12 Health and Safety Code, or other employees of the mobilehome  
13 park, that does not exceed a maximum of three mobilehomes or  
14 mobilehome spaces.

15 SEC. 3. Section 798.58 of the Civil Code is amended to read:

16 798.58. Tenancy may only be terminated for reasons  
17 contained in Section 798.56, and a tenancy may not be terminated  
18 for the purpose of making a homeowner's site available for a  
19 person who purchased or proposes to purchase, or rents or  
20 proposes to rent, a mobilehome from the owner of the park or the  
21 owner's agent.

