

AMENDED IN ASSEMBLY APRIL 19, 2004

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2351**

**Introduced by Assembly Member Corbett**

February 19, 2004

---

---

An act to amend Sections 798.16, 798.26, 798.285, 798.37, and 799.1.5 of, *and to add Section 799.2.5 to*, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, as amended, Corbett. Mobilehome parks: rights of mobilehome owners and residents.

(1) Existing law, the Mobilehome Residency Law, requires the rental agreement between the management of a mobilehome park and the homeowner to be in writing and to contain specified terms and provisions.

This bill would require the management of a mobilehome park to return ~~a signed~~ *an executed* copy of the rental agreement to the homeowner within 15 business days after ~~execution by management~~ *the management has received the rental agreement signed by the owner*.

(2) Existing law prohibits the ownership or management of a mobilehome park, subdivision, cooperative, or condominium for mobilehomes from entering a mobilehome without the prior written consent of the resident, except in specified circumstances.

This bill would make that prohibition applicable to the ownership or management of a resident-owned mobilehome park. *The bill would also make technical changes.*

(3) Existing law authorizes the management of a mobilehome park to cause the removal of a vehicle parked in the park when certain conditions are satisfied.

~~This bill would require the management to provide a 24-hour notice before removing a resident’s vehicle, except as specified, and would prohibit the removal of a resident’s vehicle from the resident’s parking space if the vehicle is licensed or has a valid certificate of nonoperation prohibit management from removing a vehicle from the homeowner or resident’s driveway of designated parking space unless a specified notice is posted on the windshield of the vehicle.~~

(4) Existing law prohibits management of a mobilehome park from requiring a homeowner ~~to pay a fee as a condition of tenancy for landscaping, except as specified, or to purchase goods or services from any third party for landscaping.~~

This bill would additionally prohibit management from requiring a homeowner ~~to pay such a fee or to purchase goods or services from any third party for remodeling or maintenance.~~

(5) Existing law imposes limits on a resident of a *subdivision, cooperative, or condominium for mobilehomes, or* resident-owned mobilehome park with respect to the display of a sign advertising the sale or rental of his or her mobilehome.

This bill would modify and extend those limits by, among other things, making them applicable to any person who gains ownership of the mobilehome upon the resident’s death, or any agent of the resident or owner, and by prescribing the maximum size, configuration, and location of the sign.

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 798.16 of the Civil Code is amended to
- 2 read:
- 3 798.16. (a) The rental agreement may include ~~such~~ other
- 4 provisions permitted by law, but need not include specific
- 5 language contained in state or local laws not a part of this chapter.



1 (b) Management shall return a signed *an executed* copy of the  
2 rental agreement to the homeowner within 15 business days after  
3 execution by management *management has received the rental*  
4 *agreement signed by the owner.*

5 SEC. 2. Section 798.26 of the Civil Code is amended to read:

6 798.26. (a) Except as provided in subdivision (b), ~~and~~  
7 ~~notwithstanding any other provision of law to the contrary,~~ the  
8 ownership or management of a park, ~~subdivision, cooperative, or~~  
9 ~~condominium for mobilehomes, or of a resident-owned~~  
10 ~~mobilehome park~~ shall have no right of entry to a mobilehome  
11 without the prior written consent of the resident. The consent may  
12 be revoked in writing by the resident at any time. The ownership  
13 or management shall have a right of entry upon the land upon  
14 which a mobilehome is situated for maintenance of utilities, trees,  
15 and driveways, for maintenance of the premises in accordance  
16 with the rules and regulations of the park when the homeowner or  
17 resident fails to so maintain the premises, and protection of the  
18 mobilehome park, ~~subdivision, cooperative, condominium, or~~  
19 ~~resident-owned mobilehome park~~ at any reasonable time, but not  
20 in a manner or at a time that would interfere with the resident's  
21 quiet enjoyment.

22 (b) The ownership or management of a park, ~~subdivision,~~  
23 ~~cooperative, or condominium for mobilehomes, or of a~~  
24 ~~resident-owned mobilehome park~~ may enter a mobilehome  
25 without the prior written consent of the resident in case of an  
26 emergency or when the resident has abandoned the mobilehome.

27 SEC. 3. Section 798.285 of the Civil Code is amended to read:

28 798.285. (a) Except as otherwise provided in this section, the  
29 management may cause the removal, pursuant to Section 22658 of  
30 the Vehicle Code, of a vehicle other than a mobilehome that is  
31 parked in the park when there is displayed a sign at each entrance  
32 to the park as provided in paragraph (1) of subdivision (a) of  
33 Section 22658 of the Vehicle Code.

34 (b) ~~Before causing the removal of a resident's vehicle pursuant~~  
35 ~~to this section, management shall post a 24-hour notice of intent~~  
36 ~~to remove on the windshield of the vehicle. This requirement does~~  
37 ~~not apply if the car is parked in a designated fire lane or other "no~~  
38 ~~parking" area.~~

39 (c) ~~Management may not cause the removal of a resident's~~  
40 ~~vehicle from the resident's a homeowner's or a resident's driveway~~



1 or designated parking space ~~if the vehicle is legally licensed or has~~  
 2 ~~a valid certificate or nonoperation.~~ *except if management has first*  
 3 *posted on the windshield of the vehicle a notice stating*  
 4 *management’s intent to remove the vehicle in seven days and*  
 5 *stating the specific park rule that the vehicle has violated which*  
 6 *justifies its removal.*

7 SEC. 4. Section 798.37 of the Civil Code is amended to read:  
 8 798.37. A homeowner may not be charged a fee for the entry,  
 9 installation, hookup, ~~remodeling, maintenance,~~ or landscaping as  
 10 a condition of tenancy except for an actual fee or cost imposed by  
 11 a local governmental ordinance or requirement directly related to  
 12 the occupancy of the specific site upon which the mobilehome is  
 13 located and not incurred as a portion of the development of the  
 14 mobilehome park as a whole. However, reasonable landscaping  
 15 and maintenance requirements may be included in the park rules  
 16 and regulations. The management may not require a homeowner  
 17 or prospective homeowner to purchase, rent, or lease goods or  
 18 services for landscaping, remodeling, or maintenance from any  
 19 person, company, or corporation.

20 SEC. 5. Section 799.1.5 of the Civil Code is amended to read:  
 21 799.1.5. *A homeowner or resident, or an heir, joint tenant, or*  
 22 *personal representative of the estate who gains ownership of a*  
 23 *mobilehome ~~in a resident-owned mobilehome park~~ through the*  
 24 *death of the resident of the mobilehome who was a resident at the*  
 25 *time of his or her death, or the agent of any of those persons, may*  
 26 *advertise the sale or exchange of his or her mobilehome or, if not*  
 27 *prohibited by the terms of an agreement with the management or*  
 28 *ownership, may advertise the rental of his or her mobilehome by*  
 29 *displaying a sign in the window of the mobilehome, or by a sign*  
 30 *posted on the side of the mobilehome facing the street, or by a sign*  
 31 *in front of the mobilehome facing the street, stating that the*  
 32 *mobilehome is for sale or exchange or, if not prohibited, for rent*  
 33 *by the owner of the mobilehome or his or her agent. Any such*  
 34 *person also may display a sign conforming to these requirements*  
 35 *indicating that the mobilehome is on display for an “open house,”*  
 36 *unless the park rules prohibit the display of an open house sign.*  
 37 *The sign shall state the name, address, and telephone number of the*  
 38 *owner of the mobilehome or his or her agent. The sign face may*  
 39 *not exceed 24 inches from in width and 36 inches in height. Signs*  
 40 *posted in from of a mobilehome pursuant to this section may be of*



1 an H-frame or A-frame design with the sign face perpendicular to,  
2 but not extending into, the street. ~~Homeowners~~ *A homeowner or*  
3 *resident, or an heir, joint tenant, or personal representative of the*  
4 *estate who gains ownership of a mobilehome through the death of*  
5 *the resident of the mobilehome who was a resident at the time of*  
6 *his or her death, or the agent of any of those persons, may attach*  
7 *to the sign or their mobilehome tubes or holders for leaflets that*  
8 *provide information on the mobilehome for sale, exchange, or*  
9 *rent.*

10 *SEC. 6. Section 799.2.5 is added to the Civil Code, to read:*  
11 *799.2.5. Except as provided in subdivision (b), the ownership*  
12 *or management shall have no right of entry to a mobilehome*  
13 *without the prior written consent of the resident. The consent may*  
14 *be revoked in writing by the resident at any time. The ownership*  
15 *or management shall have a right of entry upon the land upon*  
16 *which a mobilehome is situated for maintenance of utilities, trees,*  
17 *and driveways, for maintenance of the premises in accordance*  
18 *with the rules and regulations of the subdivision, cooperative, or*  
19 *condominium for mobilehomes, or resident-owned mobilehome*  
20 *park when the homeowner or resident fails to so maintain the*  
21 *premises, and protection of the subdivision, cooperative, or*  
22 *condominium for mobilehomes, or resident-owned mobilehome*  
23 *park at any reasonable time, but not in a manner or at a time that*  
24 *would interfere with the resident's quiet enjoyment.*  
25 *(b) The ownership or management may enter a mobilehome*  
26 *without the prior written consent of the resident in case of an*  
27 *emergency or when the resident has abandoned the mobilehome.*

