

Assembly Bill No. 2351

CHAPTER 302

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

[Approved by Governor August 24, 2004. Filed with Secretary of State August 25, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, 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 an executed copy of the rental agreement to the homeowner within 15 business days after the management has received the rental agreement signed by the homeowner.

(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 prohibit management from removing a vehicle from the homeowner's or resident's driveway or designated parking space unless a specified notice regarding violations of park rules is posted on the windshield of the vehicle. The bill would permit management, upon the expiration of 7 days, to remove a vehicle from a driveway or designated parking space, when the vehicle remains in violation of a park rule, as specified. The bill would provide an exception from these provisions for vehicles that pose a significant danger, as specified.

(4) Existing law prohibits management of a mobilehome park from requiring a homeowner to purchase goods or services from any third party for landscaping.



This bill would additionally prohibit management from requiring a homeowner 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.

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

SECTION 1. Section 798.16 of the Civil Code is amended to read:

798.16. (a) The rental agreement may include other provisions permitted by law, but need not include specific language contained in state or local laws not a part of this chapter.

(b) Management shall return an executed copy of the rental agreement to the homeowner within 15 business days after management has received the rental agreement signed by the homeowner.

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

798.26. (a) Except as provided in subdivision (b), the ownership or management of a park shall have no right of entry to a mobilehome without the prior written consent of the resident. The consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the mobilehome park at any reasonable time, but not in a manner or at a time that would interfere with the resident's quiet enjoyment.

(b) The ownership or management of a park may enter a mobilehome without the prior written consent of the resident in case of an emergency or when the resident has abandoned the mobilehome.

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

798.28.5. (a) Except as otherwise provided in this section, the management may cause the removal, pursuant to Section 22658 of the Vehicle Code, of a vehicle other than a mobilehome that is parked in the park when there is displayed a sign at each entrance to the park as



provided in paragraph (1) of subdivision (a) of Section 22658 of the Vehicle Code.

(b) (1) Management may not cause the removal of a vehicle from a homeowner's or resident's driveway or a homeowner's or resident's designated parking space except if management has first posted on the windshield of the vehicle a notice stating management's intent to remove the vehicle in seven days and stating the specific park rule that the vehicle has violated that justifies its removal. After the expiration of seven days following the posting of the notice, management may remove a vehicle that remains in violation of a rule for which notice has been posted upon the vehicle. If a vehicle rule violation is corrected within seven days after the rule violation notice is posted on the vehicle, the vehicle may not be removed. If a vehicle upon which a rule violation notice has been posted is removed from the park by a homeowner or resident and subsequently is returned to the park still in violation of the rule stated in the notice, management is not required to post any additional notice on the vehicle, and the vehicle may be removed after the expiration of the seven-day period following the original notice posting.

(2) If a vehicle poses a significant danger to the health or safety of a park resident or guest, or if a homeowner or resident requests to have a vehicle removed from his or her driveway or designated parking space, the requirements of paragraph (1) do not apply, and management may remove the vehicle pursuant to Section 22658 of the Vehicle Code.

SEC. 4. Section 798.37 of the Civil Code is amended to read:

798.37. A homeowner may not be charged a fee for the entry, installation, hookup, or landscaping as a condition of tenancy except for an actual fee or cost imposed by a local governmental ordinance or requirement directly related to the occupancy of the specific site upon which the mobilehome is located and not incurred as a portion of the development of the mobilehome park as a whole. However, reasonable landscaping and maintenance requirements may be included in the park rules and regulations. The management may not require a homeowner or prospective homeowner to purchase, rent, or lease goods or services for landscaping, remodeling, or maintenance from any person, company, or corporation.

SEC. 5. Section 799.1.5 of the Civil Code is amended to read:

799.1.5. A homeowner or resident, or an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome through the death of the resident of the mobilehome who was a resident at the time of his or her death, or the agent of any of those persons, may advertise the sale or exchange of his or her mobilehome or, if not prohibited by the terms of an agreement with the management or



ownership, may advertise the rental of his or her mobilehome by displaying a sign in the window of the mobilehome, or by a sign posted on the side of the mobilehome facing the street, or by a sign in front of the mobilehome facing the street, stating that the mobilehome is for sale or exchange or, if not prohibited, for rent by the owner of the mobilehome or his or her agent. Any such person also may display a sign conforming to these requirements indicating that the mobilehome is on display for an "open house," unless the park rules prohibit the display of an open house sign. The sign shall state the name, address, and telephone number of the owner of the mobilehome or his or her agent. The sign face may not exceed 24 inches from in width and 36 inches in height. Signs posted in front of a mobilehome pursuant to this section may be of an H-frame or A-frame design with the sign face perpendicular to, but not extending into, the street. A homeowner or resident, or an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome through the death of the resident of the mobilehome who was a resident at the time of his or her death, or the agent of any of those persons, may attach to the sign or their mobilehome tubes or holders for leaflets that provide information on the mobilehome for sale, exchange, or rent.

SEC. 6. Section 799.2.5 is added to the Civil Code, to read:

799.2.5. Except as provided in subdivision (b), the ownership or management shall have no right of entry to a mobilehome without the prior written consent of the resident. The consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park when the homeowner or resident fails to so maintain the premises, and protection of the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park at any reasonable time, but not in a manner or at a time that would interfere with the resident's quiet enjoyment.

(b) The ownership or management may enter a mobilehome without the prior written consent of the resident in case of an emergency or when the resident has abandoned the mobilehome.

