

AMENDED IN ASSEMBLY MARCH 11, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2050

Introduced by Assembly Member Garcia

February 19, 2008

An act to amend Sections 18029 and 18031.7 of, and to repeal and add Section 18029.6 of, the Health and Safety Code, relating to manufactured housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2050, as amended, Garcia. Mobilehomes and manufactured homes: ~~smoke detectors.~~ *alarms.*

(1) The Mobilehomes-Manufactured Housing Act of 1980 requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, special purpose commercial coach, or commercial coach.

This bill would include multifamily manufactured homes within these provisions. The bill also would provide that any person who is required to file an application for an alteration or conversion of the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, multifamily manufactured home, special purpose commercial modular, or commercial modular, and who fails to do so, would have to pay double the ~~application~~ fees, as specified, or for subsequent failures to file within a 5-year period, pay 10 times the ~~application~~ fee, as specified.

This bill would allow the replacement of appliances for comfort heating in manufactured homes, mobilehomes, or multifamily

manufactured homes with ~~fuel-gas~~ *fuel-gas-burning* appliances for comfort heating not specifically listed for use in a manufactured home or mobilehome. All fuel-gas-burning water heater appliances installed in new manufactured homes or new multifamily manufactured homes that are offered for sale, rent, or lease, or installed as replacement fuel-gas-burning water heater appliances in existing mobilehomes, existing manufactured homes, or existing multifamily manufactured homes that are similarly offered, would be required to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. All used mobilehomes, used manufactured homes, or used multifamily manufactured homes that are sold ~~are~~ *would be* required to have, on or before the date of transfer of title, the fuel-gas-burning water heater appliance or appliances braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. By creating a new crime or expanding an existing crime, this bill would impose a state-mandated local program.

(2) Under the act, all used mobilehomes and manufactured homes sold in this state on and after January 1, 1986, are required to be equipped with an operable smoke detector.

This bill instead would require, commencing on or after January 1, 2009, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold to have a ~~smoke detector~~ *alarm* installed in each room designed for sleeping that is operable on the date of transfer of title, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

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

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

1 SECTION 1. Section 18029 of the Health and Safety Code is
 2 amended to read:

1 18029. (a) It is unlawful for any person to alter or convert, or
2 cause to be altered or converted, the structural, fire safety,
3 plumbing, heat-producing, or electrical systems and installations
4 or equipment of a manufactured home, mobilehome, multifamily
5 manufactured home, special purpose commercial modular, or
6 commercial modular that bears a department insignia of approval
7 or federal label when the manufactured home, mobilehome,
8 multifamily manufactured home, special purpose commercial
9 modular, or commercial modular is used, occupied, sold, or offered
10 for sale within this state, unless its performance as altered or
11 converted is in compliance with this chapter and applicable
12 regulations adopted by the department. The department may adopt
13 regulations providing requirements for alterations and conversions
14 described in this section.

15 (b) (1) Any person required by this chapter or the regulations
16 adopted pursuant to this chapter to file an application for an
17 alteration or conversion who fails to file such an application shall
18 pay double the ~~application~~ fee prescribed for the alteration or
19 conversion by this chapter or by regulations adopted pursuant to
20 this chapter.

21 (2) Any person found for a second or subsequent time within a
22 five-year period to have failed to file an application for alteration
23 or conversion or causing the failure to file an application for
24 alteration or conversion for a manufactured home, mobilehome,
25 multifamily manufactured home, special purpose commercial
26 modular, or commercial modular shall pay 10 times the ~~application~~
27 fee prescribed in this chapter or by the regulations adopted pursuant
28 to this chapter.

29 SEC. 2. Section 18029.6 of the Health and Safety Code is
30 repealed.

31 SEC. 3. Section 18029.6 is added to the Health and Safety
32 Code, to read:

33 18029.6. (a) (1) On or after January 1, 2009, all used
34 manufactured homes, used mobilehomes, and used multifamily
35 manufactured homes that are sold shall have a smoke ~~detector~~
36 *alarm* installed in each room designed for sleeping that is operable
37 on the date of transfer of title. For ~~units manufactured homes and~~
38 *multifamily manufactured homes* manufactured on or after
39 September 16, 2002, each smoke ~~detector~~ *alarm* shall comply with
40 the federal Manufactured Housing Construction and Safety

1 Standards Act. For ~~units~~ *manufactured homes and multifamily*
2 *manufactured homes* manufactured before September 16, 2002,
3 each smoke ~~detector~~ *alarm* shall be installed in accordance with
4 the terms of its listing and installation requirements, and
5 battery-powered smoke alarms shall be acceptable for use when
6 installed in accordance with the terms of their listing and
7 installation requirements.

8 (2) For ~~units~~ *manufactured homes and multifamily manufactured*
9 *homes* manufactured before September 16, 2002, the smoke
10 ~~detector~~ *alarm* manufacturer's information describing the
11 operation, method and frequency of testing, and proper
12 maintenance of the smoke ~~detector~~ *alarm* shall be provided to the
13 purchaser for any smoke ~~detectors~~ *alarm* installed pursuant to
14 paragraph (1).

15 (b) On or after January 1, 2009, the requirements of subdivision
16 (a) shall be satisfied if, within 45 days prior to the date of transfer
17 of title, the transferor signs a declaration stating that each smoke
18 ~~detector~~ *alarm* in the manufactured home, mobilehome, or
19 multifamily manufactured home is installed pursuant to subdivision
20 (a) and is operable on the date the declaration is signed.

21 (c) The department may promulgate rules and regulations to
22 clarify or implement this section.

23 SEC. 4. Section 18031.7 of the Health and Safety Code is
24 amended to read:

25 18031.7. (a) Nothing in this part shall prohibit the replacement
26 of water heaters in manufactured homes, mobilehomes, or
27 multifamily manufactured homes with fuel-gas-burning water
28 heaters not specifically listed for use in a manufactured home or
29 mobilehome or from having hot water supplied from an approved
30 source within the manufactured home, mobilehome, multifamily
31 manufactured home, or in the garage, in accordance with this part,
32 Part 2.1 (commencing with Section 18200), or Part 2.3
33 (commencing with Section 18860).

34 (b) Nothing in this part shall prohibit the replacement of
35 appliances for comfort heating in manufactured homes,
36 mobilehomes, or multifamily manufactured homes with ~~fuel-gas~~
37 *fuel-gas-burning* appliances for comfort heating not specifically
38 listed for use in a manufactured home or ~~mobilehome within the~~
39 ~~manufactured home, mobilehome, or multifamily manufactured~~

1 home in accordance with this part, Part 2.1 (commencing with
2 Section 18200), or Part 2.3 (commencing with Section 18860).

3 (c) Replacement fuel-gas-burning water heaters or appliances
4 for comfort heating shall be listed for residential use and installed
5 within the specifications of that listing . The alteration or
6 conversion of fuel-gas-burning replacement water heaters or
7 appliances for comfort heating shall be subject to Section 18029
8 and regulations adopted pursuant that section.

9 (d) Replacement fuel-gas-burning water heaters or appliances
10 for comfort heating installed in accordance with subdivision (c)
11 shall bear a label permanently affixed in a visible location adjacent
12 to the fuel gas inlet which reads, as applicable:
13

14
15 **WARNING**
16 This appliance is approved only for use with natural gas (NG).
17

18 **OR**
19

20
21 **WARNING**
22 This appliance is approved only for use with liquified petroleum
23 gas (LPG).
24

25 Lettering on the label shall be black on a red background and
26 not less than ¼ inch in height except for the word “WARNING”
27 which shall be not less than ½ inch in height.

28 (e) All fuel-gas-burning water heater appliances installed in
29 new manufactured homes or new multifamily manufactured homes
30 that are offered for sale, rent, or lease in this state or installed as
31 replacement fuel-gas-burning water heater appliances in existing
32 mobilehomes, existing manufactured homes, or existing
33 multifamily manufactured homes, that are similarly offered shall
34 be braced, anchored, or strapped to resist falling or horizontal
35 displacement due to earthquake motion. The water heater appliance
36 bracing, anchoring, or strapping shall be in accordance with ~~the~~
37 either the guidelines developed pursuant to Section 19215, the
38 California Plumbing Code (Part 5 of Title 24 of the California

1 Code of Regulations), or an alternative local ordinance adopted
2 pursuant to Section 17958.

3 (f) All used mobilehomes, used manufactured homes, and used
4 multifamily manufactured homes that are sold shall, on or before
5 the date of transfer of title, have the fuel-gas-burning water heater
6 appliance or appliances braced, anchored, or strapped to resist
7 falling or horizontal displacement due to earthquake motion. This
8 requirement shall be satisfied if within 45 days prior to the transfer
9 of title the transferor signs a declaration stating that each water
10 heater appliance in the used mobilehome, used manufactured home,
11 or used multifamily manufactured home is secured pursuant to
12 subdivision (e) on the date the declaration is signed.

13 SEC. 5. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.