

ASSEMBLY BILL

No. 869

Introduced by Assembly Member Mendoza

February 26, 2009

An act to amend Section 798.2 of, and to add Article 8.5 (commencing with Section 798.89) to Chapter 2.5 of Title 2 of Part 2 of Division 2 of, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 869, as introduced, Mendoza. Mobilehome parks: Certified Mobilehome Park Manager.

Existing law, the Mobilehome Residency Law, governs tenancies in mobilehome parks, including, among other things, imposing various duties on the owners or managers of mobilehome parks to meet and consult with homeowners, upon request, and to provide specified disclosures to homeowners.

The Mobilehome Parks Act requires the Department of Housing and Community Development to enact and enforce rules and regulations to protect public health and safety in mobilehome parks. The act requires the department to enter and inspect the parks, as specified, to issue permits, and to send notices regarding violations of the act or the regulations, as specified. Any person who willfully violates the act, building standards related thereto, or rules or regulations adopted by the department pursuant to the act is guilty of a misdemeanor punishable by a fine not exceeding \$400 or imprisonment not exceeding 30 days, or both.

This bill would establish a program of certification for mobilehome park managers. The bill would specify the subject matter and hours of instruction, and would require a competency examination and a specified

certificate of completion. The bill would require that if the management of a mobilehome park has been issued a notice regarding a violation of the Mobilehome Parks Act that remains uncorrected for more than 120 days as of January 1, 2010, the management must complete the certification program before July 1, 2010. If the management of a mobilehome park has been issued a notice regarding a violation of the Mobilehome Parks Act that remains uncorrected for more than 120 days on or after January 1, 2010, the bill would require the management to complete the certification program within 60 days of the 120-day period. The bill would also require that notice be provided to homeowners and prospective homeowners regarding whether the park is managed by a Certified Mobilehome Park Manager, as specified. The bill would include a statement of legislative findings and declarations.

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. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) There are nearly 400,000 manufactured and mobilehomes
- 4 in California located in 4,705 mobilehome parks that are housing
- 5 an estimated 700,000 people.
- 6 (b) The vast majority of these homes are owner-occupied. Like
- 7 other single-family homes, these homes are, for all practical
- 8 purposes, immobile and often represent the homeowner’s largest
- 9 single investment.
- 10 (c) The management and operation of a mobilehome park
- 11 community is governed by a unique set of laws and regulations,
- 12 including the Mobilehome Residency Law and the Mobilehome
- 13 Parks Act. These laws provide that, in any park where 50 or more
- 14 units are located, an onsite manager must reside in the park. It is
- 15 essential that individuals responsible for the management of such
- 16 a community are well trained so as to ensure that the rights and
- 17 responsibilities of both homeowners and the management are
- 18 recognized and understood.
- 19 (d) It is in the public interest for homeowners to have accurate
- 20 information about the level of training that a park manager has
- 21 received, and to be assured that those managers using the title,

1 “Certified Mobilehome Park Manager” have met certain minimal
2 educational standards.

3 SEC. 2. Section 798.2 of the Civil Code is amended to read:

4 798.2. (a) “Management” means the owner of a mobilehome
5 park or an agent or representative authorized to act on his behalf
6 in connection with matters relating to a tenancy in the park.

7 (b) “Park Manager” means a person who is primarily
8 responsible for the normal ongoing onsite management of the
9 mobilehome park.

10 (c) “Certified Mobilehome Park Manager” means a park
11 manager who has met the requirements set forth in Section 798.89.

12 SEC. 3. Article 8.5 (commencing with Section 798.89) is added
13 to Chapter 2.5 of Title 2 of Part 2 of Division 2 of the Civil Code,
14 to read:

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16 Article 8.5. Certified Mobilehome Park Manager

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18 798.89. (a) No person shall use the title or designation
19 “Certified Mobilehome Park Manager,” unless the person has met
20 the following requirements:

21 (1) Within the past two years he or she has completed a course
22 of study that includes a competency examination that has been
23 developed and administered in a manner consistent with the
24 standards and requirements set forth by the American Educational
25 Research Association’s “Standards for Educational and
26 Psychological Testing.” The course of study shall be no less than
27 a combined 10 hours of instruction, and shall, at a minimum,
28 include the following subject matter:

29 (A) Not less than six hours of instruction regarding the
30 Mobilehome Residency Law, commencing with Section 798, and,
31 in addition, Chapter 2 of Division 1 of Title 25 of the California
32 Code of Regulations.

33 (B) Not less than three hours of instruction on leases and rental
34 agreements, unlawful detainers, ethics, the adoption and
35 enforcement of the rules and regulations of a manufactured housing
36 community, fair housing law, and other general issues related to
37 property management.

38 (C) Not less than one hour of instruction on conflict resolution
39 which focuses on teaching participants skills to resolve complaints
40 and disputes with homeowners and residents.

1 (2) Receive a certificate of completion from a manufactured
2 housing trade organization or an accredited postsecondary
3 educational institution that includes the following information:

- 4 (A) The name of the participant.
- 5 (B) The subject matter.
- 6 (C) The name of the instructor of the course.
- 7 (D) The number of hours of instruction completed.
- 8 (E) The date the course was completed.

9 (b) For purposes of this section, “manufactured housing trade
10 organization” means a not-for-profit organization that meets the
11 following requirements:

- 12 (1) Has at least 200 members that own or operate a mobilehome
13 park or reside within mobilehome parks within the state.
- 14 (2) Has been in existence for at least five years.

15 798.90. If the management of a mobilehome park has been
16 issued a notice regarding a violation of the Mobilehome Parks Act
17 (Part 2.1 (commencing with Section 18200) of Division 13 of the
18 Health and Safety Code) and that violation has remained
19 uncorrected for more than 120 days as of January 1, 2010, as
20 documented by the records of the Department of Housing and
21 Community Development, or its designee, the management shall
22 complete the certification requirements of Section 798.89 by July
23 1, 2010. If the management of a mobilehome park has been issued
24 a notice regarding a violation of the Mobilehome Parks Act on or
25 after January 1, 2010, and the violation remains uncorrected for
26 more than 120 days, the management shall complete the
27 certification requirements of Section 798.89 within 60 days of the
28 120-day period that commenced on the date the notice was issued.

29 798.91. Any rental agreement offered to a homeowner or
30 prospective homeowner shall be accompanied by a written notice
31 in at least 12-point type that states whether the park is managed
32 by a Certified Mobilehome Park Manager. A similar notice shall
33 be posted in a conspicuous place in the clubhouse, or if there is no
34 clubhouse, in a conspicuous public place in the park accessible to
35 homeowners and residents.