

Introduced by Senator CorreaJanuary 28, 2009

An act to amend Section 798.44 of, to amend and renumber Sections 798.15, 798.16, 798.17, 798.18, 798.19, 798.19.5, 798.20, 798.21, 798.22, 798.27, 798.28, 798.29, 798.29.5, 798.29.6, 798.38, 798.39, 798.40, 798.42, 798.43, 798.43.1, 798.49, and 798.76 of, to amend and renumber the heading of Article 4 (commencing with Section 798.30) of Chapter 2.5 of Title 2 of Part 2 of Division 2 of, to add Section 798.29 to, and to add the heading of Article 4 (commencing with Section 798.40) of Chapter 2.5 of Title 2 of Part 2 of Division 2 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 111, as introduced, Correa. Mobilehome residency law.

The Mobilehome Residency Law governs residency in mobilehome parks and includes provisions that are applicable to those who have an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, as specified. Among other things, these provisions set forth the rights of residents and homeowners regarding the use of the property.

This bill would reorganize the Mobilehome Residency Law by revising and recasting various provisions thereof.

This bill would make other technical, conforming changes.

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 798.15 of the Civil Code is amended and
2 renumbered to read:

3 ~~798.15.~~

4 798.21. The rental agreement shall be in writing and shall
5 contain, in addition to the provisions otherwise required by law to
6 be included, all of the following:

7 (a) The term of the tenancy and the rent therefor.

8 (b) The rules and regulations of the park.

9 (c) A copy of the text of this chapter shall be attached as an
10 exhibit and shall be incorporated into the rental agreement by
11 reference. Management shall provide all homeowners with a copy
12 of this chapter prior to February 1 of each year, if a significant
13 change was made in the chapter by legislation enacted in the prior
14 year.

15 (d) A provision specifying that (1) it is the responsibility of the
16 management to provide and maintain physical improvements in
17 the common facilities in good working order and condition and
18 (2) with respect to a sudden or unforeseeable breakdown or
19 deterioration of these improvements, the management shall have
20 a reasonable period of time to repair the sudden or unforeseeable
21 breakdown or deterioration and bring the improvements into good
22 working order and condition after management knows or should
23 have known of the breakdown or deterioration. For purposes of
24 this subdivision, a reasonable period of time to repair a sudden or
25 unforeseeable breakdown or deterioration shall be as soon as
26 possible in situations affecting a health or safety condition, and
27 shall not exceed 30 days in any other case except where exigent
28 circumstances justify a delay.

29 (e) A description of the physical improvements to be provided
30 the homeowner during his or her tenancy.

31 (f) A provision listing those services which will be provided at
32 the time the rental agreement is executed and will continue to be
33 offered for the term of tenancy and the fees, if any, to be charged
34 for those services.

35 (g) A provision stating that management may charge a
36 reasonable fee for services relating to the maintenance of the land
37 and premises upon which a mobilehome is situated in the event
38 the homeowner fails to maintain the land or premises in accordance

1 with the rules and regulations of the park after written notification
2 to the homeowner and the failure of the homeowner to comply
3 within 14 days. The written notice shall state the specific condition
4 to be corrected and an estimate of the charges to be imposed by
5 management if the services are performed by management or its
6 agent.

7 (h) All other provisions governing the tenancy.

8 SEC. 2. Section 798.16 of the Civil Code is amended and
9 renumbered to read:

10 ~~798.16.~~

11 798.21.2. (a) The rental agreement may include other
12 provisions permitted by law, but need not include specific language
13 contained in state or local laws not a part of this chapter.

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

18 SEC. 3. Section 798.17 of the Civil Code is amended and
19 renumbered to read:

20 ~~798.17.~~

21 798.21.3. (a) (1) Rental agreements meeting the criteria of
22 subdivision (b) shall be exempt from any ordinance, rule,
23 regulation, or initiative measure adopted by any local governmental
24 entity which establishes a maximum amount that a landlord may
25 charge a tenant for rent. The terms of a rental agreement meeting
26 the criteria of subdivision (b) shall prevail over conflicting
27 provisions of an ordinance, rule, regulation, or initiative measure
28 limiting or restricting rents in mobilehome parks, only during the
29 term of the rental agreement or one or more uninterrupted,
30 continuous extensions thereof. If the rental agreement is not
31 extended and no new rental agreement in excess of 12 months'
32 duration is entered into, then the last rental rate charged for the
33 space under the previous rental agreement shall be the base rent
34 for purposes of applicable provisions of law concerning rent
35 regulation, if any.

36 (2) In the first sentence of the first paragraph of a rental
37 agreement entered into on or after January 1, 1993, pursuant to
38 this section, there shall be set forth a provision in at least 12-point
39 boldface type if the rental agreement is printed, or in capital letters
40 if the rental agreement is typed, giving notice to the homeowner

1 that the rental agreement will be exempt from any ordinance, rule,
2 regulation, or initiative measure adopted by any local governmental
3 entity which establishes a maximum amount that a landlord may
4 charge a tenant for rent.

5 (b) Rental agreements subject to this section shall meet all of
6 the following criteria:

7 (1) The rental agreement shall be in excess of 12 months'
8 duration.

9 (2) The rental agreement shall be entered into between the
10 management and a homeowner for the personal and actual
11 residence of the homeowner.

12 (3) The homeowner shall have at least 30 days from the date
13 the rental agreement is first offered to the homeowner to accept
14 or reject the rental agreement.

15 (4) The homeowner who executes a rental agreement offered
16 pursuant to this section may void the rental agreement by notifying
17 management in writing within 72 hours of the homeowner's
18 execution of the rental agreement.

19 (c) If, pursuant to paragraph (3) or (4) of subdivision (b), the
20 homeowner rejects the offered rental agreement or rescinds a signed
21 rental agreement, the homeowner shall be entitled to instead accept,
22 pursuant to Section 798.18, a rental agreement for a term of 12
23 months or less from the date the offered rental agreement was to
24 have begun. In the event the homeowner elects to have a rental
25 agreement for a term of 12 months or less, including a
26 month-to-month rental agreement, the rental agreement shall
27 contain the same rental charges, terms, and conditions as the rental
28 agreement offered pursuant to subdivision (b), during the first 12
29 months, except for options, if any, contained in the offered rental
30 agreement to extend or renew the rental agreement.

31 (d) Nothing in subdivision (c) shall be construed to prohibit the
32 management from offering gifts of value, other than rental rate
33 reductions, to homeowners who execute a rental agreement
34 pursuant to this section.

35 (e) With respect to any space in a mobilehome park that is
36 exempt under subdivision (a) from any ordinance, rule, regulation,
37 or initiative measure adopted by any local governmental entity
38 that establishes a maximum amount that a landlord may charge a
39 homeowner for rent, and notwithstanding any ordinance, rule,
40 regulation, or initiative measure, a mobilehome park shall not be

1 assessed any fee or other exaction for a park space that is exempt
2 under subdivision (a) imposed pursuant to any ordinance, rule,
3 regulation, or initiative measure. No other fee or other exaction
4 shall be imposed for a park space that is exempt under subdivision
5 (a) for the purpose of defraying the cost of administration thereof.

6 (f) At the time the rental agreement is first offered to the
7 homeowner, the management shall provide written notice to the
8 homeowner of the homeowner's right (1) to have at least 30 days
9 to inspect the rental agreement, and (2) to void the rental agreement
10 by notifying management in writing within 72 hours of the
11 acceptance of a rental agreement. The failure of the management
12 to provide the written notice shall make the rental agreement
13 voidable at the homeowner's option upon the homeowner's
14 discovery of the failure. The receipt of any written notice provided
15 pursuant to this subdivision shall be acknowledged in writing by
16 the homeowner.

17 (g) No rental agreement subject to subdivision (a) that is first
18 entered into on or after January 1, 1993, shall have a provision
19 which authorizes automatic extension or renewal of, or
20 automatically extends or renews, the rental agreement for a period
21 beyond the initial stated term at the sole option of either the
22 management or the homeowner.

23 (h) This section does not apply to or supersede other provisions
24 of this part or other state law.

25 SEC. 4. Section 798.18 of the Civil Code is amended and
26 renumbered to read:

27 ~~798.18.~~

28 798.21.4. (a) A homeowner shall be offered a rental agreement
29 for (1) a term of 12 months, or (2) a lesser period as the homeowner
30 may request, or (3) a longer period as mutually agreed upon by
31 both the homeowner and management.

32 (b) No rental agreement shall contain any terms or conditions
33 with respect to charges for rent, utilities, or incidental reasonable
34 service charges that would be different during the first 12 months
35 of the rental agreement from the corresponding terms or conditions
36 that would be offered to the homeowners on a month-to-month
37 basis.

38 (c) No rental agreement for a term of 12 months or less shall
39 include any provision which authorizes automatic extension or
40 renewal of, or automatically extends or renews, the rental

1 agreement beyond the initial term for a term longer than 12 months
2 at the sole option of either the management or the homeowner.

3 SEC. 5. Section 798.19 of the Civil Code is amended and
4 renumbered to read:

5 ~~798.19.~~

6 798.21.5. No rental agreement for a mobilehome shall contain
7 a provision by which the homeowner waives his or her rights under
8 the provisions of Articles 1 to 8, inclusive, of this chapter. Any
9 such waiver shall be deemed contrary to public policy and void.

10 SEC. 6. Section 798.19.5 of the Civil Code is amended and
11 renumbered to read:

12 ~~798.19.5.~~

13 798.21.6. A rental agreement entered into or renewed on and
14 after January 1, 2006, shall not include a clause, rule, regulation,
15 or any other provision that grants to management the right of first
16 refusal to purchase a homeowner's mobilehome that is in the park
17 and offered for sale to a third party pursuant to Article 7
18 (commencing with Section 798.70). This section does not preclude
19 a separate agreement for separate consideration granting the park
20 owner or management a right of first refusal to purchase the
21 homeowner's mobilehome that is in the park and offered for sale.

22 SEC. 7. Section 798.20 of the Civil Code is amended and
23 renumbered to read:

24 ~~798.20.~~

25 798.15. (a) Membership in any private club or organization
26 that is a condition for tenancy in a park shall not be denied on any
27 basis listed in subdivision (a) or (d) of Section 12955 of the
28 Government Code, as those bases are defined in Sections 12926,
29 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of
30 Section 12955, and Section 12955.2 of the Government Code.

31 (b) Notwithstanding subdivision (a), with respect to familial
32 status, subdivision (a) shall not be construed to apply to housing
33 for older persons, as defined in Section 12955.9 of the Government
34 Code. With respect to familial status, nothing in subdivision (a)
35 shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11,
36 and 799.5, relating to housing for senior citizens. Subdivision (d)
37 of Section 51 and Section 1360 of this code and subdivisions (n),
38 (o), and (p) of Section 12955 of the Government Code shall apply
39 to subdivision (a).

1 SEC. 8. Section 798.21 of the Civil Code is amended and
2 renumbered to read:

3 ~~798.21.~~

4 798.47. (a) Notwithstanding Section 798.17, if a mobilehome
5 space within a mobilehome park is not the principal residence of
6 the homeowner and the homeowner has not rented the mobilehome
7 to another party, it shall be exempt from any ordinance, rule,
8 regulation, or initiative measure adopted by any city, county, or
9 city and county, which establishes a maximum amount that the
10 landlord may charge a tenant for rent.

11 (b) Nothing in this section is intended to require any homeowner
12 to disclose information concerning his or her personal finances.
13 Nothing in this section shall be construed to authorize management
14 to gain access to any records which would otherwise be confidential
15 or privileged.

16 (c) For purposes of this section, a mobilehome shall be deemed
17 to be the principal residence of the homeowner, unless a review
18 of state or county records demonstrates that the homeowner is
19 receiving a homeowner's exemption for another property or
20 mobilehome in this state, or unless a review of public records
21 reasonably demonstrates that the principal residence of the
22 homeowner is out of state.

23 (d) Before modifying the rent or other terms of tenancy as a
24 result of a review of records, as described in subdivision (c), the
25 management shall notify the homeowner, in writing, of the
26 proposed changes and provide the homeowner with a copy of the
27 documents upon which management relied.

28 (e) The homeowner shall have 90 days from the date the notice
29 described in subdivision (d) is mailed to review and respond to
30 the notice. Management may not modify the rent or other terms
31 of tenancy prior to the expiration of the 90-day period or prior to
32 responding, in writing, to information provided by the homeowner.
33 Management may not modify the rent or other terms of tenancy if
34 the homeowner provides documentation reasonably establishing
35 that the information provided by management is incorrect or that
36 the homeowner is not the same person identified in the documents.
37 However, nothing in this subdivision shall be construed to authorize
38 the homeowner to change the homeowner's exemption status of
39 the other property or mobilehome owned by the homeowner.

1 (f) This section does not apply under any of the following
2 conditions:

3 (1) The homeowner is unable to rent or lease the mobilehome
4 because the owner or management of the mobilehome park in
5 which the mobilehome is located does not permit, or the rental
6 agreement limits or prohibits, the assignment of the mobilehome
7 or the subletting of the park space.

8 (2) The mobilehome is being actively held available for sale by
9 the homeowner, or pursuant to a listing agreement with a real estate
10 broker licensed pursuant to Chapter 3 (commencing with Section
11 10130) of Part 1 of Division 4 of the Business and Professions
12 Code, or a mobilehome dealer, as defined in Section 18002.6 of
13 the Health and Safety Code. A homeowner, real estate broker, or
14 mobilehome dealer attempting to sell a mobilehome shall actively
15 market and advertise the mobilehome for sale in good faith to bona
16 fide purchasers for value in order to remain exempt pursuant to
17 this subdivision.

18 (3) The legal owner has taken possession or ownership, or both,
19 of the mobilehome from a registered owner through either a
20 surrender of ownership interest by the registered owner or a
21 foreclosure proceeding.

22 SEC. 9. Section 798.22 of the Civil Code is amended and
23 renumbered to read:

24 ~~798.22.~~

25 798.18. (a) In any new mobilehome park that is developed
26 after January 1, 1982, mobilehome spaces shall not be rented for
27 the accommodation of recreational vehicles as defined by Section
28 799.29 unless the mobilehome park has a specifically designated
29 area within the park for recreational vehicles, which is separate
30 and apart from the area designated for mobilehomes. Recreational
31 vehicles may be located only in the specifically designated area.

32 (b) Any new mobilehome park that is developed after January
33 1, 1982, is not subject to the provisions of this section until 75
34 percent of the spaces have been rented for the first time.

35 SEC. 10. Section 798.27 of the Civil Code is amended and
36 renumbered to read:

37 ~~798.27.~~

38 798.17. (a) The management shall give written notice to all
39 homeowners and prospective homeowners concerning the
40 following matters: (1) the nature of the zoning or use permit under

1 which the mobilehome park operates. If the mobilehome park is
2 operating pursuant to a permit subject to a renewal or expiration
3 date, the relevant information and dates shall be included in the
4 notice. (2) The duration of any lease of the mobilehome park, or
5 any portion thereof, in which the management is a lessee.

6 (b) If a change occurs concerning the zoning or use permit under
7 which the park operates or a lease in which the management is a
8 lessee, all homeowners shall be given written notice within 30
9 days of that change. Notification regarding the change of use of
10 the park, or any portion thereof, shall be governed by subdivision
11 (g) of Section 798.56. A prospective homeowner shall be notified
12 prior to the inception of the tenancy.

13 SEC. 11. Section 798.28 of the Civil Code is amended and
14 renumbered to read:

15 ~~798.28.~~

16 798.16. The management of a mobilehome park shall disclose,
17 in writing, the name, business address, and business telephone
18 number of the mobilehome park owner upon the request of a
19 homeowner.

20 SEC. 12. Section 798.29 of the Civil Code is amended and
21 renumbered to read:

22 ~~798.29.~~

23 798.19. The management shall post a mobilehome ombudsman
24 sign provided by the Department of Housing and Community
25 Development, as required by Section 18253.5 of the Health and
26 Safety Code.

27 SEC. 13. Section 798.29 is added to the Civil Code, to read:

28 798.29. Sections 798.36, subdivision (d) of Section 798.56,
29 and 798.88 govern enforcement of park rules and regulations.

30 SEC. 14. Section 798.29.5 of the Civil Code is amended and
31 renumbered to read:

32 ~~798.29.5.~~

33 798.44.1. The management shall provide, by posting notice on
34 the mobilehomes of all affected homeowners and residents, at least
35 72 hours' written advance notice of an interruption in utility service
36 of more than two hours for the maintenance, repair, or replacement
37 of facilities of utility systems over which the management has
38 control within the park, provided that the interruption is not due
39 to an emergency. The management shall be liable only for actual

1 damages sustained by a homeowner or resident for violation of
2 this section.

3 “Emergency,” for purposes of this section, means the interruption
4 of utility service resulting from an accident or act of nature, or
5 cessation of service caused by other than the management’s regular
6 or planned maintenance, repair, or replacement of utility facilities.

7 SEC. 15. Section 798.29.6 of the Civil Code is amended and
8 renumbered to read:

9 ~~798.29.6.~~

10 798.27. The management shall not prohibit a homeowner or
11 resident from installing accommodations for the disabled on the
12 home or the site, lot, or space on which the mobilehome is located,
13 including, but not limited to, ramps or handrails on the outside of
14 the home, as long as the installation of those facilities complies
15 with code, as determined by an enforcement agency, and those
16 facilities are installed pursuant to a permit, if required for the
17 installation, issued by the enforcement agency. The management
18 may require that the accommodations installed pursuant to this
19 section be removed by the current homeowner at the time the
20 mobilehome is removed from the park or pursuant to a written
21 agreement between the current homeowner and the management
22 prior to the completion of the resale of the mobilehome in place
23 in the park. This section is not exclusive and shall not be construed
24 to condition, affect, or supersede any other provision of law or
25 regulation relating to accessibility or accommodations for the
26 disabled.

27 SEC. 16. The heading of Article 4 (commencing with Section
28 798.30) of Chapter 2.5 of Title 2 of Part 2 of Division 2 of the
29 Civil Code is amended and renumbered to read:

30

31 Article ~~4~~.3.5. Fees and Charges

32

33 SEC. 17. Section 798.38 of the Civil Code is amended and
34 renumbered to read:

35 ~~798.38.~~

36 798.40. (a) Where the management provides both master-meter
37 and submeter service of utilities to a homeowner, for each billing
38 period the cost of the charges for the period shall be separately
39 stated along with the opening and closing readings for his or her
40 meter. The management shall post in a conspicuous place, the

1 prevailing residential utilities rate schedule as published by the
2 serving utility.

3 (b) If a third-party billing agent or company prepares utility
4 billing for the park, the management shall disclose on each
5 resident's billing, the name, address, and telephone number of the
6 billing agent or company.

7 SEC. 18. Section 798.39 of the Civil Code is amended and
8 renumbered to read:

9 ~~798.39.~~

10 798.38. (a) The management may only demand a security
11 deposit on or before initial occupancy and the security deposit may
12 not be in an amount or value in excess of an amount equal to two
13 months' rent that is charged at the inception of the occupancy, in
14 addition to any rent for the first month. In no event shall additional
15 security deposits be demanded of a homeowner following the
16 initial occupancy.

17 (b) As to all security deposits collected on or after January 1,
18 1989, after the homeowner has promptly paid to the management,
19 within five days of the date the amount is due, all of the rent,
20 utilities, and reasonable service charges for any
21 12-consecutive-month period subsequent to the collection of the
22 security deposit by the management, or upon resale of the
23 mobilehome, whichever occurs earlier, the management shall,
24 upon the receipt of a written request from the homeowner, refund
25 to the homeowner the amount of the security deposit within 30
26 days following the end of the 12-consecutive-month period of the
27 prompt payment or the date of the resale of the mobilehome.

28 (c) As to all security deposits collected prior to January 1, 1989,
29 upon the extension or renewal of the rental agreement or lease
30 between the homeowner and the management, and upon the receipt
31 of a written request from the homeowner, if the homeowner has
32 promptly paid to the management, within five days of the date the
33 amount is due, all of the rent, utilities, and reasonable service
34 charges for the 12-consecutive-month period preceding the receipt
35 of the written request, the management shall refund to the
36 homeowner the amount of the security deposit within 60 days.

37 (d) As to all security deposits collected prior to January 1, 1989,
38 and not disbursed pursuant to subdivision (c), in the event that the
39 mobilehome park is sold or transferred to any other party or entity,
40 the selling park owner shall deposit in escrow an amount equal to

1 all security deposits that the park owner holds. The seller's escrow
 2 instructions shall direct that, upon close of escrow, the security
 3 deposits therein that were held by the selling park owner (including
 4 the period in escrow) for 12 months or more, shall be disbursed
 5 to the persons who paid the deposits to the selling park owner and
 6 promptly paid, within five days of the date the amount is due, all
 7 rent, utilities, and reasonable service charges for the 12-month
 8 period preceding the close of escrow.

9 (e) Any and all security deposits in escrow that were held by
 10 the selling park owner that are not required to be disbursed pursuant
 11 to subdivision (b), (c), or (d) shall be disbursed to the successors
 12 in interest to the selling or transferring park owner, who shall have
 13 the same obligations of the park's management and ownership
 14 specified in this section with respect to security deposits. The
 15 disbursement may be made in escrow by a debit against the selling
 16 park owner and a credit to the successors in interest to the selling
 17 park owner.

18 (f) The management shall not be required to place any security
 19 deposit collected in an interest-bearing account or to provide a
 20 homeowner with any interest on the security deposit collected.

21 (g) Nothing in this section shall affect the validity of title to real
 22 property transferred in violation of this section.

23 SEC. 19. The heading of Article 4 (commencing with Section
 24 798.40) is added to Chapter 2.5 of Title 2 of Part 2 of Division 2
 25 of the Civil Code, as immediately following Section 798.39, to
 26 read:

27
 28 Article 4. Utilities
 29

30 SEC. 20. Section 798.40 of the Civil Code is amended and
 31 renumbered to read:

32 ~~798.40.~~

33 798.39. The management shall not acquire a lien or security
 34 interest, other than an interest arising by reason of process issued
 35 to enforce a judgment of any court, in a mobilehome located in
 36 the park unless it is mutually agreed upon by both the homeowner
 37 and management. Any billing and payment upon the obligation
 38 shall be kept separate from current rent.

39 SEC. 21. Section 798.42 of the Civil Code is amended and
 40 renumbered to read:

1 ~~798.42.~~

2 798.39.5. (a) The management shall not charge or impose
3 upon a homeowner any fee or increase in rent which reflects the
4 cost to the management of any fine, forfeiture, penalty, money
5 damages, or fee assessed or awarded by a court of law against the
6 management for a violation of this chapter, including any attorney's
7 fees and costs incurred by the management in connection therewith.

8 (b) A court shall consider the remoteness in time of the
9 assessment or award against the management of any fine, forfeiture,
10 penalty, money damages, or fee in determining whether the
11 homeowner has met the burden of proof that the fee or increase in
12 rent is in violation of this section.

13 (c) Any provision in a rental agreement entered into, renewed,
14 or modified on or after January 1, 1995, that permits a fee or
15 increase in rent that reflects the cost to the management of any
16 money damages awarded against the management for a violation
17 of this chapter shall be void.

18 SEC. 22. Section 798.43 of the Civil Code is amended and
19 renumbered to read:

20 ~~798.43.~~

21 798.42. (a) Except as provided in subdivision (b), whenever
22 a homeowner is responsible for payment of gas, water, or electric
23 utility service, management shall disclose to the homeowner any
24 condition by which a gas, water, or electric meter on the
25 homeowner's site measures gas, water, or electric service for
26 common area facilities or equipment, including lighting, provided
27 that management has knowledge of the condition.

28 Management shall disclose this information prior to the inception
29 of the tenancy or upon discovery and shall complete either of the
30 following:

31 (1) Enter into a mutual written agreement with the homeowner
32 for compensation by management for the cost of the portion of the
33 service measured by the homeowner's meter for the common area
34 facilities or equipment to the extent that this cost accrues on or
35 after January 1, 1991.

36 (2) Discontinue using the meter on the homeowner's site for
37 the utility service to the common area facilities and equipment.

38 (b) On and after January 1, 1994, if the electric meter on the
39 homeowner's site measures electricity for lighting mandated by
40 Section 18602 of the Health and Safety Code and this lighting

1 provides lighting for the homeowner's site, management shall be
2 required to comply with subdivision (a).

3 SEC. 23. Section 798.43.1 of the Civil Code is amended and
4 renumbered to read:

5 ~~798.43.1.~~

6 798.43. (a) The management of a master-meter park shall give
7 written notice to homeowners and residents on or before February
8 1 of each year in their utility billing statements about assistance
9 to low-income persons for utility costs available under the
10 California Alternate Rates for Energy (CARE) program, established
11 pursuant to Section 739.1 of the Public Utilities Code. The notice
12 shall include CARE information available to master-meter
13 customers from their serving utility, to include, at a minimum: (1)
14 the fact that CARE offers a discount on monthly gas or electric
15 bills for qualifying low-income residents; and (2) the telephone
16 number of the serving utility which provides CARE information
17 and applications. The park shall also post the notice in a
18 conspicuous place in the clubhouse, or if there is no clubhouse, in
19 a conspicuous public place in the park.

20 (b) The management of a master-meter park may accept and
21 help process CARE program applications from homeowners and
22 residents in the park, fill in the necessary account or other park
23 information required by the serving utility to process the
24 applications, and send the applications to the serving utility. The
25 management shall not deny a homeowner or resident who chooses
26 to submit a CARE application to the utility himself or herself any
27 park information, including a utility account number, the serving
28 utility requires to process a homeowner or resident CARE program
29 application.

30 (c) The management of a master-meter park shall pass through
31 the full amount of the CARE program discount in monthly utility
32 billings to homeowners and residents who have qualified for the
33 CARE rate schedule, as defined in the serving utility's applicable
34 rate schedule. The management shall notice the discount on the
35 billing statement of any homeowner or resident who has qualified
36 for the CARE rate schedule as either the itemized amount of the
37 discount or a notation on the statement that the homeowner or
38 resident is receiving the CARE discount on the electric bill, the
39 gas bill, or both the electric and gas bills.

1 (d) “Master-meter park” as used in this section means
2 “master-meter customer” as used in Section 739.5 of the Public
3 Utilities Code.

4 SEC. 24. Section 798.44 of the Civil Code is amended to read:

5 798.44. (a) The management of a park that does not permit
6 mobilehome owners or park-tenants residents to purchase liquefied
7 petroleum gas for use in the mobilehome park from someone other
8 than the mobilehome park management shall not sell liquefied
9 petroleum gas to mobilehome owners and-tenants residents within
10 the park at a cost which exceeds 110 percent of the actual price
11 paid by the management of the park for liquefied petroleum gas.

12 (b) The management of a park shall post in a visible location
13 the actual price paid by management for liquefied petroleum gas
14 sold pursuant to subdivision (a).

15 (c) This section shall apply only to mobilehome parks regulated
16 under the Mobilehome Residency Law. This section shall not apply
17 to recreational vehicle parks, as defined in Section 18215 of the
18 Health and Safety Code, which exclusively serve recreational
19 vehicles, as defined in Section 18010 of the Health and Safety
20 Code.

21 (d) Nothing in this section is intended to abrogate any rights a
22 mobilehome park owner may have under Section 798.31 of the
23 Civil Code.

24 (e) In addition to a mobilehome park described in subdivision
25 (a), the requirements of subdivisions (a) and (b) shall apply to a
26 mobilehome park where requirements of federal, state, or local
27 law or regulation, including, but not limited to, requirements for
28 setbacks between mobilehomes, prohibit homeowners or-tenants
29 residents from installing their own liquefied petroleum gas supply
30 tanks, notwithstanding that the management of the mobilehome
31 park permits mobilehome owners and park-tenants residents to
32 buy their own liquefied petroleum gas.

33 SEC. 25. Section 798.49 of the Civil Code is amended and
34 renumbered to read:

35 ~~798.49.~~

36 798.46. (a) Except as provided in subdivision (d), the local
37 agency of any city, including a charter city, county, or city and
38 county, which administers an ordinance, rule, regulation, or
39 initiative measure that establishes a maximum amount that
40 management may charge a tenant for rent shall permit the

1 management to separately charge a homeowner for any of the
2 following:

3 (1) The amount of any fee, assessment or other charge first
4 imposed by a city, including a charter city, a county, a city and
5 county, the state, or the federal government on or after January 1,
6 1995, upon the space rented by the homeowner.

7 (2) The amount of any increase on or after January 1, 1995, in
8 an existing fee, assessment or other charge imposed by any
9 governmental entity upon the space rented by the homeowner.

10 (3) The amount of any fee, assessment or other charge upon the
11 space first imposed or increased on or after January 1, 1993,
12 pursuant to any state or locally mandated program relating to
13 housing contained in the Health and Safety Code.

14 (b) If management has charged the homeowner for a fee,
15 assessment, or other charge specified in subdivision (a) that was
16 increased or first imposed on or after January 1, 1993, and the fee,
17 assessment, or other charge is decreased or eliminated thereafter,
18 the charge to the homeowner shall be decreased or eliminated
19 accordingly.

20 (c) The amount of the fee, assessment or other charges
21 authorized by subdivision (a) shall be separately stated on any
22 billing to the homeowner. Any change in the amount of the fee,
23 assessment, or other charges that are separately billed pursuant to
24 subdivision (a) shall be considered when determining any rental
25 adjustment under the local ordinance.

26 (d) This section shall not apply to any of the following:

27 (1) Those fees, assessments, or charges imposed pursuant to the
28 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)
29 of Division 13 of the Health and Safety Code), unless specifically
30 authorized by Section 18502 of the Health and Safety Code.

31 (2) Those costs that are imposed on management by a court
32 pursuant to Section 798.42.

33 (3) Any fee or other exaction imposed upon management for
34 the specific purpose of defraying the cost of administration of any
35 ordinance, rule, regulation, or initiative measure that establishes
36 a maximum amount that management may charge a tenant for rent.

37 (4) Any tax imposed upon the property by a city, including a
38 charter city, county, or city and county.

39 (e) Those fees and charges specified in subdivision (a) shall be
40 separately stated on any monthly or other periodic billing to the

1 homeowner. If the fee or charge has a limited duration or is
2 amortized for a specified period, the expiration date shall be stated
3 on the initial notice and each subsequent billing to the homeowner
4 while the fee or charge is billed to the homeowner.

5 SEC. 26. Section 798.76 of the Civil Code is amended and
6 renumbered to read:

7 ~~798.76.~~

8 798.28. The management may require that a prospective
9 purchaser comply with any rule or regulation limiting residency
10 based on age requirements for housing for older persons, provided
11 that the rule or regulation complies with the federal Fair Housing
12 Act, as amended by Public Law 104-76, and implementing
13 regulations.

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