

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 398

Introduced by Senator Correa

February 26, 2009

An act to amend Section 18691 ~~of~~ *of*, and to add Section 18308 to, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 398, as amended, Correa. Mobilehome parks: fire code enforcement.

~~Existing law~~

The Mobilehome Parks Act authorizes the governing body of a city, county, or city and county to assume responsibility for the enforcement of the act and the regulations adopted pursuant to the act, and other specified provisions of law and the regulations adopted pursuant to those provisions, upon the governing body's provision of 30 days' notice to the Department of Housing and Community Development. The act also authorizes a city, county, or city and county to cancel its assumption of responsibility for the enforcement of the act and the regulations adopted pursuant to the act, and other specified provisions of law and the regulations adopted pursuant to those provisions, upon the city, county, city and county's provision of written notice to the department. The act, notwithstanding specified provisions of law, authorizes a city, county, city and county, or special district that is not the enforcement agency under the ~~Mobilehome Parks Act~~ act to enforce its fire prevention code, as it relates to specified subjects, in mobilehome parks. Before assuming fire code enforcement, a city, county, city and county, or special district is required to give the ~~Department of Housing and Community Development~~ department a 30-day written notice.

~~This bill would instead require the city, county, city and county, or special district to give the department a 90-day written notice.~~

This bill would require enforcement agencies responsible for the enforcement of the act and the regulations adopted pursuant to the act to maintain all records on file of mobilehome park inspections conducted since January 1, 1991. The bill would also require the department, to the maximum extent feasible, to make all records available pursuant to the act accessible on the department’s Internet Web site by no later than July 1, 2012. The bill would also delete the authorization of a city, county, city and county, or special district that is not the enforcement agency under the act to enforce its fire prevention code in mobilehome parks.

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

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

1 SECTION 1. Section 18308 is added to the Health and Safety
 2 Code, to read:

3 18308. (a) Enforcement agencies responsible for the
 4 enforcement of this part and the regulations adopted pursuant to
 5 this part shall maintain all records on file of mobilehome park
 6 inspections conducted since January 1, 1991.

7 (b) The department shall, to the maximum extent feasible, make
 8 all records available pursuant to this part accessible on the
 9 department’s Internet Web site by no later than July 1, 2012.

10 ~~SECTION 1.~~

11 SEC. 2. Section 18691 of the Health and Safety Code is
 12 amended to read:

13 18691. (a) The department shall adopt rules and regulations
 14 that it determines are reasonably consistent with generally
 15 recognized fire protection standards, governing conditions relating
 16 to the prevention of fire or for the protection of life and property
 17 against fire in parks. The department shall adopt and submit
 18 building standards for approval pursuant to Chapter 4 (commencing
 19 with Section 18935) of Part 2.5 for the purposes described in this
 20 section within permanent buildings. The department, in
 21 consultation with local firefighting agencies, shall adopt and
 22 implement no later than January 1, 2002, regulations that require

1 regular maintenance and periodic inspection and testing of fire
2 hydrants in mobilehome parks.

3 (b) The regulations adopted by the department shall be
4 applicable in all parks, except in a park within a city, county, or
5 city and county that is the enforcement agency and has adopted
6 and is enforcing a fire prevention code imposing restrictions equal
7 to or greater than the restrictions imposed by those building
8 standards published in the California Building Standards Code and
9 the other state regulations adopted by the department.

10 (c) Notwithstanding the provisions of this section, the rules and
11 regulations adopted by the department relating to the installation
12 of water supply and fire hydrant systems shall not apply within
13 parks constructed, or approved for construction, prior to January
14 1, 1966.

15 ~~(d) Notwithstanding the provisions of this section, a city,
16 county, city and county, or special district that is not the
17 enforcement agency under this part may enforce its fire prevention
18 code in mobilehome parks relating to fire hydrant systems, water
19 supply, fire equipment access, posting of fire equipment access,
20 parking, lot identification, weed abatement, debris abatement,
21 combustible storage abatement, and burglar bars. Before assuming
22 fire code enforcement in accordance with this subdivision, a city,~~

23 *(d) Before assuming fire code enforcement in accordance with
24 this section, a city, county, city and county, or special district shall
25 give the department a ~~90-day~~ 30-day written notice. A city, county,
26 city and county, or special district that enforces its fire prevention
27 code pursuant to this ~~subdivision~~ section shall apply its code
28 provisions to conditions that arise after adoption of its fire
29 prevention code, to conditions not legally in existence at the
30 adoption of its fire prevention code, or to conditions that, in the
31 opinion of the fire chief, constitute a distinct hazard to life or
32 property.*