

AMENDED IN ASSEMBLY JUNE 30, 2009

AMENDED IN SENATE MAY 19, 2009

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE APRIL 23, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 398

Introduced by Senator Correa

February 26, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

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

~~(1) The Mobilehome Parks Act authorizes the governing body of a city, county, or city and county, following approval by the Department of Housing and Community Development, 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. The act, notwithstanding specified provisions of law, also authorizes a city, county, city and county, or special district that is not the enforcement agency under the act to enforce its fire prevention code, as it relates to specified subjects, in mobilehome parks.~~

~~This bill would 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, as it relates to those specified subjects, in mobilehome parks.

~~(2) Existing~~

Existing law requires that regulations adopted by the department Department of Housing and Community Development governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks be applicable in all parks, except in a park within a city, county, or city and county that is the an enforcement agency, as defined, and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by building standards published in the California Building Standards Code and other state regulations. Existing law authorizes, notwithstanding these provisions, a city, county, city and county, or special district to enforce its fire prevention code in mobilehome parks relating to specified fire prevention code subject areas.

This bill would also exempt from department regulations a park within a special district that has been delegated fire code enforcement by the city, county, or city and county that has assumed fire code enforcement in accordance with this part. The bill would make specified additions to the subject areas in which a city, county, city and county, or special district that is not the enforcement agency may enforce its fire prevention code in mobilehome parks. delete from the exception the requirement that the city, county, or city and county be the enforcement agency and instead require, in addition to other criterion, that the park be within a city, county, city and county, or special district that has assumed fire code enforcement in accordance with existing law.

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 18691 of the Health and Safety Code is~~
- 2 ~~amended to read:~~
- 3 18691. (a) ~~The department shall adopt rules and regulations~~
- 4 ~~that it determines are reasonably consistent with generally~~
- 5 ~~recognized fire protection standards, governing conditions relating~~
- 6 ~~to the prevention of fire or for the protection of life and property~~
- 7 ~~against fire in parks. The department shall adopt and submit~~
- 8 ~~building standards for approval pursuant to Chapter 4 (commencing~~

1 with Section 18935) of Part 2.5 for the purposes described in this
2 section within permanent buildings. The department, in
3 consultation with local firefighting agencies, shall adopt and
4 implement no later than January 1, 2002, regulations that require
5 regular maintenance and periodic inspection and testing of fire
6 hydrants in mobilehome parks.

7 (b) Before assuming fire code enforcement in accordance with
8 this part, a city, county, city and county, or special district shall
9 give the department a 30-day written notice. A city, county, city
10 and county, or special district that enforces its fire prevention code
11 in accordance with this part shall apply its code provisions to
12 conditions that arise after adoption of its fire prevention code, to
13 conditions not legally in existence at the adoption of its fire
14 prevention code, or to conditions that, in the opinion of the fire
15 chief, constitute a distinct hazard to life or property.

16 (c) The regulations adopted by the department shall be
17 applicable in all parks, except in a park within a city, county, city
18 and county, or special district that has assumed fire code
19 enforcement in accordance with this part and has adopted a fire
20 prevention code imposing restrictions equal to or greater than the
21 restrictions imposed by those building standards published in the
22 California Building Standards Code and other state fire prevention
23 regulations adopted by the department.

24 (d) Notwithstanding the provisions of this section, the rules
25 and regulations adopted by the department relating to the
26 installation of water supply and fire hydrant systems shall not apply
27 within parks constructed, or approved for construction, prior to
28 January 1, 1966.

29 *SECTION 1. Section 18691 of the Health and Safety Code is*
30 *amended to read:*

31 18691. (a) The department shall adopt rules and regulations
32 that it determines are reasonably consistent with generally
33 recognized fire protection standards, governing conditions relating
34 to the prevention of fire or for the protection of life and property
35 against fire in parks. The department shall adopt and submit
36 building standards for approval pursuant to Chapter 4 (commencing
37 with Section 18935) of Part 2.5 for the purposes described in this
38 section within permanent buildings. The department, in
39 consultation with local firefighting agencies, shall adopt and
40 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~~ *either of the*
5 *following areas*:

6 (1) A city, county, or city and county that is the enforcement
7 agency and has adopted and is enforcing a fire prevention code
8 imposing restrictions equal to or greater than the restrictions
9 imposed by those building standards published in the California
10 Building Standards Code and the other state regulations adopted
11 by the department.

12 (2) A *special district that has been delegated fire code*
13 *enforcement by the city, county, or city and county that has*
14 *assumed fire code enforcement in accordance with this part.*

15 (c) Notwithstanding the provisions of this section, the rules and
16 regulations adopted by the department relating to the installation
17 of water supply and fire hydrant systems shall not apply within
18 parks constructed, or approved for construction, prior to January
19 1, 1966.

20 (d) Notwithstanding the provisions of this section, a city,
21 county, city and county, or special district that is not the
22 enforcement agency under this part may enforce its fire prevention
23 code in mobilehome parks relating to fire hydrant systems, water
24 supply, fire equipment access, posting of fire equipment access,
25 parking, lot identification, weed abatement, *including brush and*
26 *combustible vegetation clearance*, debris abatement, combustible
27 storage abatement, *including flammable liquid storage, hazardous*
28 *material storage and use, open flame or open burning, park*
29 *community clubhouse, or recreation hall fire safety*, and burglar
30 bars. Before assuming fire code enforcement in accordance with
31 this subdivision, a city, county, city and county, or special district
32 shall give the department a 30-day written notice. A city, county,
33 city and county, or special district that enforces its fire prevention
34 code pursuant to this subdivision shall apply its code provisions
35 to conditions that arise after adoption of its fire prevention code,
36 to conditions not legally in existence at the adoption of its fire
37 prevention code, or to conditions that, in the opinion of the fire
38 chief, constitute a distinct hazard to life or property.

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