

AMENDED IN ASSEMBLY AUGUST 20, 2009

AMENDED IN ASSEMBLY JULY 15, 2009

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**

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**Introduced by Senator Correa**

February 26, 2009

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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.

Existing law requires that regulations adopted by the 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 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 the other state regulations adopted by the department. 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 *or other entity* that has been delegated fire code enforcement by the city, county, or city and county that ~~has assumed fire code enforcement~~ *is the enforcement agency, and the special district or entity is enforcing a fire prevention code* in accordance with the Mobilehome Parks Act. 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.

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
- 9 with Section 18935) of Part 2.5 for the purposes described in this
- 10 section within permanent buildings. The department, in
- 11 consultation with local firefighting agencies, shall adopt and
- 12 implement no later than January 1, 2002, regulations that require
- 13 regular maintenance and periodic inspection and testing of fire
- 14 hydrants in mobilehome parks.
- 15 (b) The regulations adopted by the department shall be
- 16 applicable in all parks, except in a park within either of the
- 17 following areas:
- 18 (1) A city, county, or city and county that is the enforcement
- 19 agency and has adopted and is enforcing a fire prevention code
- 20 imposing restrictions equal to or greater than the restrictions
- 21 imposed by those building standards published in the California
- 22 Building Standards Code and the other state regulations adopted
- 23 by the department.

1 ~~(2) A special district that has been delegated fire code~~  
2 ~~enforcement by a city, county, or city and county that has assumed~~  
3 ~~fire code enforcement in accordance with this part and is enforcing~~  
4 ~~a fire prevention code imposing restrictions equal to or greater~~  
5 ~~than the restrictions imposed by those building standards published~~  
6 ~~in the California Building Standards Code and other state~~  
7 ~~regulations adopted by the department.~~

8 *(2) A special district or other entity, organized solely to provide*  
9 *fire protection services and monitored and funded by a county or*  
10 *other public entity, which meets both of the following requirements:*

11 *(A) Has been delegated fire code enforcement by a city, county,*  
12 *or city and county that is the enforcement agency.*

13 *(B) Is enforcing a fire prevention code imposing restrictions*  
14 *equal to or greater than the restrictions imposed by those building*  
15 *standards published in the California Building Standards Code*  
16 *and other state regulations adopted by the department.*

17 (c) Notwithstanding the provisions of this section, the rules and  
18 regulations adopted by the department relating to the installation  
19 of water supply and fire hydrant systems shall not apply within  
20 parks constructed, or approved for construction, prior to January  
21 1, 1966.

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

- 1 prevention code, or to conditions that, in the opinion of the fire
- 2 chief, constitute a distinct hazard to life or property.

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