

ASSEMBLY BILL

No. 2150

Introduced by Assembly Member Atkins

February 23, 2012

An act to amend Section 798.15 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2150, as introduced, Atkins. Mobilehome parks.

The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks. Existing law requires the management of a mobilehome park to include a copy of the Mobilehome Residency Law in the rental agreement, and to provide all homeowners with a copy of the Mobilehome Residency Law by February 1 of each year, if a significant change was made in those provisions by legislation enacted in the prior year.

This bill would require the rental agreement to include a notice entitled "HOMEOWNERS' BILL OF RIGHTS" and would require the management of a mobilehome park to provide a copy of that notice to all homeowners prior to February 1 of each year. The bill would require the notice to describe various rights applicable to homeowners in mobilehome parks that are established by statute, including, among other things, that a homeowner is required to receive advance written notice before any rent increase.

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 to
2 read:

3 798.15. The rental agreement shall be in writing and shall
4 contain, in addition to the provisions otherwise required by law to
5 be included, all of the following:

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

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

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

13 (1) Provide all homeowners with a copy of this chapter.

14 (2) Provide written notice to all homeowners that there has been
15 a change to this chapter and that they may obtain one copy of this
16 chapter from management at no charge. Management must provide
17 a copy within a reasonable time, not to exceed seven days upon
18 request.

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

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

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

1 (g) A provision stating that management may charge a
 2 reasonable fee for services relating to the maintenance of the land
 3 and premises upon which a mobilehome is situated in the event
 4 the homeowner fails to maintain the land or premises in accordance
 5 with the rules and regulations of the park after written notification
 6 to the homeowner and the failure of the homeowner to comply
 7 within 14 days. The written notice shall state the specific condition
 8 to be corrected and an estimate of the charges to be imposed by
 9 management if the services are performed by management or its
 10 agent.

11 (h) All other provisions governing the tenancy.

12 (i) *A copy of the following notice. Management shall also, prior*
 13 *to February 1 of each year, provide a copy of the following notice*
 14 *to all homeowners:*

15
 16 *IMPORTANT NOTICE TO ALL MANUFACTURED HOME/MOBILEHOME*
 17 *OWNERS: CALIFORNIA LAW REQUIRES THAT YOU BE MADE AWARE*
 18 *OF THE FOLLOWING:*

19
 20 *HOMEOWNERS' BILL OF RIGHTS*

21
 22 *The "Mobilehome Residency Law" (MRL), found in Section 798, et seq. of the*
 23 *Civil Code, establishes the rights and responsibilities of homeowners and park*
 24 *management. YOU may request a complete copy of this law once per year*
 25 *from the park manager or owner, or may purchase a copy from the Senate*
 26 *Publications & Flags office in Sacramento.*

27
 28 *The MRL is deemed a part of the terms of any park rental agreement or lease,*
 29 *and contains the following provisions which guarantee YOU certain rights*
 30 *and protections:*

- 31
 32 1. *YOU must receive advance written notice before any rent increase can*
 33 *be collected. Management must provide a 90-day advance notice of any*
 34 *rent increase, and the amount of the increase may be limited by a local*
 35 *ordinance, or by your lease or rental agreement provisions. [Civil Code*
 36 *798.30]*
 37 2. *YOU have the right to choose different lease terms. Management must*
 38 *offer any existing homeowner a 12-month rental agreement, a lesser term*
 39 *as the homeowner might request, or a longer term as mutually agreed*
 40 *upon. [Civil Code 798.18]*

- 1 3. *YOU have a right to know the park rules. YOU are entitled to a copy of*
 2 *all park rules or regulations. They must be attached to any rental*
 3 *agreement when YOU sign it, and cannot be amended without prior notice*
 4 *to YOU. [Civil Code 798.15(b); 798.25]*
- 5 4. *YOU are only required to pay certain authorized charges. YOU can only*
 6 *be billed for rent, utilities, and incidental charges for services actually*
 7 *rendered, and cannot be charged a fee for a rental agreement of 12*
 8 *months or less. [Civil Code 798.31]*
- 9 5. *YOU have the right to a return of your Security Deposit. After 12*
 10 *consecutive months of timely payment of rent, or upon an earlier sale of*
 11 *the mobilehome, the security deposit must be refunded to YOU upon*
 12 *written request. [Civil Code 798.39]*
- 13 6. *YOU have a right to freely communicate with your neighbors. YOU are*
 14 *entitled to peacefully assemble, petition or canvass, and meet for any*
 15 *purposes related to mobilehome or manufactured home living, and can*
 16 *invite political candidates or resident groups to speak at the park without*
 17 *being required to pay a cleaning fee, or to obtain liability insurance*
 18 *unless alcohol is served. [Civil Code 798.50; 798.51]*
- 19 7. *YOU have the right to advertise and sell your home without moving it. If*
 20 *your home complies with certain listed standards, you are entitled to sell*
 21 *it “ in place,” after certain allowable upgrades set forth in the MRL are*
 22 *completed. Management cannot require that you sell your home to them,*
 23 *cannot charge you a transfer or selling fee and cannot require you to use*
 24 *a broker or dealer approved by them. YOU have the right to advertise*
 25 *your home for sale, and management can only deny approval of a buyer*
 26 *for reasons listed in the MRL. [Civil Code 798.70-798.74]*
- 27 8. *YOU have the right to continue living in the park. The park owner cannot*
 28 *terminate your tenancy except for one of seven authorized reasons set*
 29 *forth in the MRL. YOU are entitled to unique protection from eviction.*
 30 *[Civil Code 798.55-798.56]*
- 31 9. *YOU have a right to privacy. Management cannot enter your mobilehome*
 32 *or accessory structures (such as a storage shed) without your prior written*
 33 *approval, except in an emergency or if you abandon the home or structure.*
 34 *[Civil Code 798.26]*
- 35 10. *YOU cannot waive the MRL provisions. No rental or sales agreement*
 36 *may contain a provision by which a purchaser or a homeowner waives*
 37 *any MRL rights. [Civil Code 798.19; 798.77]*

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