

ASSEMBLY BILL

No. 2597

Introduced by Assembly Member Fuentes

February 24, 2012

An act to amend Section 18420 of the Health and Safety Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2597, as introduced, Fuentes. Mobilehome Parks Act: notice of violations.

Existing law establishes the Mobilehome Parks Act to assure the protection of the health, safety, and general welfare of all mobilehome park residents. Existing law requires the enforcement agency to enter and inspect mobilehome parks with a goal of inspecting at least 5% of the parks per year. Existing law requires the enforcement agency to issue a notice to correct any violation of the act.

This bill would make technical, nonsubstantive changes to these provisions.

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 18420 of the Health and Safety Code is
2 amended to read:
3 18420. (a) (1) If, upon inspection, the enforcement agency
4 determines that a mobilehome park is in violation of ~~any provision~~
5 ~~of this part, or any~~ a rule or regulation adopted pursuant thereto,
6 the enforcement agency shall promptly, but not later than 10 days,

1 excluding Saturday, Sunday, and holidays, after the enforcement
2 agency completes the inspection and determines that the alleged
3 violation exists, issue a notice to correct the violation to the owner
4 or operator of the mobilehome park and to the responsible person,
5 as defined in Section 18603.

6 (2) ~~In the event of a violation that~~ *If a violation* constitutes an
7 imminent threat to health and safety, the notice of violation shall
8 be issued immediately and served on the owner or operator of the
9 mobilehome park and to the responsible person, as defined in
10 Section 18603.

11 (3) The owner or operator of the mobilehome park shall be
12 responsible for the correction of any ~~violations~~ *violation* for which
13 a notice of violation has been given pursuant to this subdivision.

14 (b) (1) If, upon inspection, the enforcement agency determines
15 that a manufactured home, mobilehome, an accessory building or
16 structure, or lot is in violation of ~~any provision of~~ Chapter 4
17 (commencing with Section 18500), Chapter 5 (commencing with
18 Section 18601), Chapter 6 (commencing with Section 18690), or
19 ~~any~~ a rule or regulation adopted pursuant thereto, the enforcement
20 agency shall promptly, but not later than 10 days, excluding
21 Saturday, Sunday, and holidays, after the enforcement agency
22 completes the inspection and determines that the alleged violation
23 exists, issue a notice to correct the violation to the registered owner
24 of the manufactured home or mobilehome, with a copy to the
25 occupant thereof, if different from the registered owner.

26 (2) ~~In the event~~ *If* a violation is discovered that constitutes an
27 imminent hazard representing an immediate risk to life, health,
28 and safety and requiring immediate correction, the notice of
29 violation shall be issued immediately and served upon the occupant,
30 with a copy mailed to the registered owner of the manufactured
31 home or mobilehome, if different from the occupant, to the owner
32 or operator of the mobilehome park, and to the responsible person,
33 as defined in Section 18603.

34 (3) The registered owner of the manufactured home or
35 mobilehome shall be responsible for the correction of any
36 violations for which a notice of violation has been given pursuant
37 to this subdivision.

38 (4) The enforcement agency may issue a notice of violation ~~in~~
39 ~~accordance with~~ *pursuant to* this chapter to the owner of a

1 recreational vehicle, or of factory-built housing, which occupies
2 a lot within a mobilehome park.

3 (c) (1) Service of the notice of violation shall be effected either
4 personally or by first-class mail. ~~Each~~ A notice of violation shall
5 be in writing and shall describe with particularity the nature of the
6 violation in as clear language as the technicality of the violation
7 will allow the average layperson to understand what is being cited,
8 including a reference to the statutory provisions or regulation
9 alleged to have been violated, as well as any penalty provided by
10 law for failure to make timely correction.

11 (2) The department shall develop a list of local agencies that
12 have home rehabilitation or repair programs for which registered
13 owners or occupants of manufactured homes and mobilehomes
14 residing in mobilehome parks may be eligible. The list shall be
15 provided to registered owners or occupants who receive notices
16 of violation and who reside in those jurisdictions that have
17 rehabilitation or repair programs for which they may be eligible.

18 (3) For violations other than imminent threats to health and
19 safety as provided in paragraph (2) of subdivision (a) and paragraph
20 (2) of subdivision (b), the notice of violation shall allow 60 days
21 from the postmarked date of the notice or date of personal delivery
22 for the elimination of the condition constituting the alleged
23 violation.

24 (4) If after the reinspection of a violation described in paragraph
25 (3) of this subdivision, the enforcement agency determines that
26 there is a valid reason why a violation has not been corrected,
27 including, but not limited to, weather conditions, illness,
28 availability of repair persons, or availability of financial resources,
29 the enforcement agency may extend the time for correction, at its
30 discretion, for 30 days or an additional reasonable period of time
31 after the 60-day period.

32 (5) Upon a reinspection after the 60-day period of a violation
33 described in paragraph (3) of this subdivision, if a second notice
34 to correct a violation that is the responsibility of the registered
35 owner of the manufactured home or mobilehome pursuant to
36 paragraph (1) of subdivision (b) is issued to the registered owner
37 of a manufactured home or mobilehome, with a copy to the
38 occupant thereof, if different from the registered owner, a copy of
39 the notice shall also be provided to the owner or operator of the
40 mobilehome park, and to the responsible person, as defined in

1 Section 18603. Upon a reinspection after the 60-day period of a
2 violation described in paragraph (3) of this subdivision, if a second
3 notice to correct a mobilehome park violation pursuant to paragraph
4 (1) of subdivision (a) is issued to the owner or operator of the
5 mobilehome park and to the responsible person, as defined in
6 Section 18603, the enforcement agency shall post a copy of the
7 violation in a conspicuous place in the mobilehome park common
8 area, and the posted notice shall only be removed by the
9 enforcement agency when the violation is corrected.

10 (6) All violations described in paragraph (2) of subdivision (a)
11 and paragraph (2) of subdivision (b) shall be corrected within a
12 reasonable time as determined by the enforcement agency. Notices
13 of those violations shall state the time determined by the
14 enforcement agency within which corrections must be made.

15 (d) Notwithstanding any other ~~provision of law~~, the enforcement
16 agency may, at its sole discretion, determine not to issue a notice
17 of violation pursuant to this chapter if the condition ~~which~~ *that*
18 violates this part or the regulations adopted pursuant thereto does
19 not constitute an imminent hazard representing an immediate risk
20 to life, health, and safety and requiring immediate correction. If
21 the enforcement agency determines, pursuant to this subdivision,
22 not to issue a notice of violation, the enforcement agency shall
23 include in its inspection report a description of the condition ~~which~~
24 *that* violates this part and its determination not to issue a notice of
25 violation.