

AMENDED IN ASSEMBLY MAY 3, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2697

Introduced by Committee on Housing and Community Development

March 21, 2012

An act to amend Section 798.49 of the Civil Code, and to amend Sections 18045.6 and 18942 of the Health and Safety Code, relating to ~~building standards~~ housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2697, as amended, Committee on Housing and Community Development. ~~Building standards.~~ *Housing Omnibus Act.*

(1) *The Mobilehome Residency law requires the local agency of any city, including a charter city, county, or city and county that administers an ordinance, rule, regulation, or initiative measure that establishes a maximum amount that management of a mobilehome park may charge a tenant for rent to permit the management to separately charge a homeowner for certain fees, as specified. Existing law exempts from this requirement, among other things, costs that are imposed on management for a fine, forfeiture, penalty, money damages, or fee assessed or awarded by a court of law against the management for a violation of the Mobilehome Residency Law.*

This bill would correct an erroneous cross-reference within this provision.

(2) *The Manufactured Housing Act of 1980 requires the Department of Housing and Community Development to administer occupational licenses for dealers, as defined. The act authorizes a dealer to display manufactured homes, mobilehomes, or commercial coaches at a fair, exposition, or similar exhibit for no more than 30 days, and defines*

“mobilehome fair or exposition” to mean a display of manufactured homes, mobilehomes, or commercial coaches not limited to one dealer and not in a mobilehome park.

This bill would remove the 30-day limit on the display of manufactured homes, mobilehome, or commercial coaches at a fair, exposition, or similar exhibit. The bill would also revise the definition of “mobilehome fair or exposition” to mean a display of manufactured homes, mobilehomes, or commercial coaches not in a mobilehome park and for which the initial opportunity to display is open to all dealers. The bill would also specify that a display does not qualify as a business location or an established place of business for the purposes of procuring or maintaining a dealer’s license.

The

(3) The California Building Standards Law provides for the promulgation of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. Existing law requires the commission to publish, or cause to be published, editions of the code in its entirety once every 3 years.

Existing law requires the commission to publish the text of a specified provision within the area of the code concerning single-family residential occupancies with a note specifying that the regulations may be subject to local government modification.

This bill would correct an erroneous cross-reference within that provision.

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 798.49 of the Civil Code is amended to
- 2 read:
- 3 798.49. (a) Except as provided in subdivision (d), the local
- 4 agency of any city, including a charter city, county, or city and
- 5 county, which administers an ordinance, rule, regulation, or
- 6 initiative measure that establishes a maximum amount that
- 7 management may charge a tenant for rent shall permit the
- 8 management to separately charge a homeowner for any of the
- 9 following:

1 (1) The amount of any fee, assessment or other charge first
2 imposed by a city, including a charter city, a county, a city and
3 county, the state, or the federal government on or after January 1,
4 1995, upon the space rented by the homeowner.

5 (2) The amount of any increase on or after January 1, 1995, in
6 an existing fee, assessment or other charge imposed by any
7 governmental entity upon the space rented by the homeowner.

8 (3) The amount of any fee, assessment or other charge upon the
9 space first imposed or increased on or after January 1, 1993,
10 pursuant to any state or locally mandated program relating to
11 housing contained in the Health and Safety Code.

12 (b) If management has charged the homeowner for a fee,
13 assessment, or other charge specified in subdivision (a) that was
14 increased or first imposed on or after January 1, 1993, and the fee,
15 assessment, or other charge is decreased or eliminated thereafter,
16 the charge to the homeowner shall be decreased or eliminated
17 accordingly.

18 (c) The amount of the fee, assessment or other charges
19 authorized by subdivision (a) shall be separately stated on any
20 billing to the homeowner. Any change in the amount of the fee,
21 assessment, or other charges that are separately billed pursuant to
22 subdivision (a) shall be considered when determining any rental
23 adjustment under the local ordinance.

24 (d) This section shall not apply to any of the following:

25 (1) Those fees, assessments, or charges imposed pursuant to the
26 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)
27 of Division 13 of the Health and Safety Code), unless specifically
28 authorized by Section 18502 of the Health and Safety Code.

29 (2) Those costs that are imposed on management by a court
30 pursuant to Section ~~798.42~~ 798.39.5.

31 (3) Any fee or other exaction imposed upon management for
32 the specific purpose of defraying the cost of administration of any
33 ordinance, rule, regulation, or initiative measure that establishes
34 a maximum amount that management may charge a tenant for rent.

35 (4) Any tax imposed upon the property by a city, including a
36 charter city, county, or city and county.

37 (e) Those fees and charges specified in subdivision (a) shall be
38 separately stated on any monthly or other periodic billing to the
39 homeowner. If the fee or charge has a limited duration or is
40 amortized for a specified period, the expiration date shall be stated

1 on the initial notice and each subsequent billing to the homeowner
2 while the fee or charge is billed to the homeowner.

3 *SEC. 2. Section 18045.6 of the Health and Safety Code is*
4 *amended to read:*

5 18045.6. (a) (1) If the manufacturer, distributor, or dealer
6 changes the site or location of his or her established place of
7 business, the manufacturer, distributor, or dealer shall immediately,
8 upon making the change, so notify the department. If a
9 manufacturer, distributor, or dealer for any reason whatsoever,
10 ceases to be in possession of an established place of business from
11 and on which he or she conducts the business for which the
12 manufacturer, distributor, or dealer is licensed, he or she shall
13 immediately notify the department and, upon demand by the
14 department, shall deliver to the department the manufacturer's,
15 distributor's, or dealer's license and all relevant records in his or
16 her possession.

17 (2) The department may place a manufacturer, distributor, or
18 dealer license on an inactive status upon application of the licensee.
19 An inactive license shall remain valid for six months or for the
20 remaining term of the original license, whichever is less.

21 (b) If the dealer changes to, or adds, another franchise for the
22 sale of new manufactured homes, mobilehomes, or commercial
23 coaches, or cancels, or, for any cause whatever, otherwise loses a
24 franchise for the sale of new manufactured homes, mobilehomes,
25 or commercial coaches, he or she shall immediately so notify the
26 department.

27 (c) A dealer's established place of business shall have posted
28 in a place conspicuous to the public the license issued by the
29 department to the dealer and to each salesperson employed by the
30 dealer.

31 (d) (1) Notwithstanding Section 18050 and this section, a
32 dealer may display manufactured homes, mobilehomes, or
33 commercial coaches at a fair, exposition, or similar exhibit ~~for no~~
34 ~~more than 30 days.~~ As used in this section, "mobilehome fair or
35 exposition" means a display of manufactured homes, mobilehomes,
36 or commercial coaches ~~not limited to one dealer and~~ not in a
37 mobilehome park *and for which the initial opportunity to display*
38 *is open to all dealers. The display shall not qualify as a business*
39 *location or an established place of business for the purposes of*
40 *procuring or maintaining a dealer's license.*

1 (2) New manufactured homes or mobilehomes, installed
2 pursuant to Section 18613, may also be displayed and sold within
3 a mobilehome park or mobilehome subdivision by dealers. A
4 display home may be used and equipped only for the sale of the
5 displayed home and shall not be used as an established place of
6 business, unless licensed as an established place of business.

7 (3) Dealers and salespersons may negotiate listing agreements
8 for the sale of a used manufactured home or mobilehome which
9 has been titled by the department, and may negotiate and execute
10 offers to purchase and purchase documents for the sale of a new
11 or used manufactured home or mobilehome other than at the
12 established place of business.

13 (e) All manufactured homes, mobilehomes, or commercial
14 coaches displayed pursuant to subdivision (d) shall be identified
15 by a sign or device providing information relating to the dealer's
16 name and the location and address of the dealer's established place
17 of business and any other information that is required by the
18 department.

19 (f) The requirements for an office specified in subdivision (b)
20 of Section 18045.5 shall not apply to a display location authorized
21 by subdivision (d), unless licensed as an established place of
22 business.

23 **SECTION 1.**

24 *SEC. 3.* Section 18942 of the Health and Safety Code is
25 amended to read:

26 18942. (a) The commission shall publish, or cause to be
27 published, editions of the code in its entirety once in every three
28 years. In the intervening period the commission shall publish, or
29 cause to be published, supplements as necessary. For emergency
30 building standards defined in subdivision (a) of Section 18913, an
31 emergency building standards supplement shall be published
32 whenever the commission determines it is necessary.

33 (b) The commission shall publish the text of Article 2.5
34 (commencing with Section 115920) of Chapter 5 of Part 10 of
35 Division 104, within the requirements for single-family residential
36 occupancies contained in Part 2.5 of Title 24 of the California
37 Code of Regulations, with the following note:

38 "NOTE: These regulations are subject to local government
39 modification. You should verify the applicable local

1 government requirements at the time of application for a
2 building permit.”

3 (c) The commission shall publish the text of Section 116064.2
4 within Part 2 of Title 24 of the California Code of Regulations.

5 (d) The commission may publish, stockpile, and sell at a
6 reasonable price the code and materials incorporated therein by
7 reference if it deems the latter is insufficiently available to the
8 public, or unavailable at a reasonable price. Each state department
9 concerned and each city, county, or city and county shall have an
10 up-to-date copy of the code available for public inspection.

11 (e) (1) Each city, county, and city and county, including charter
12 cities, shall obtain and maintain with all revisions on a current
13 basis, at least one copy of the building standards and other state
14 regulations relating to buildings published in Titles 8, 19, 20, 24,
15 and 25 of the California Code of Regulations. These codes shall
16 be maintained in the office of the building official responsible for
17 the administration and enforcement of this part.

18 (2) This subdivision shall not apply to a city or county that
19 contracts for the administration and enforcement of the provisions
20 of this part with another local government agency that complies
21 with this section.