

AMENDED IN ASSEMBLY JUNE 13, 2011

AMENDED IN SENATE MARCH 29, 2011

**SENATE BILL**

**No. 562**

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**Introduced by Committee on Transportation and Housing (Senators DeSaulnier (Chair), Gaines, Harman, Huff, Kehoe, Lowenthal, Pavley, Rubio, and Simitian)**

February 17, 2011

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An act to amend Section 8869.84 of the Government Code, to amend Sections ~~18070.2~~ 18028, 18070.2, 18214, 18218, 18218.5, 18551, 18866.2, and 33420.1 of, and to repeal Section 33334.29 of, the Health and Safety Code, and to amend Section 2705 of, and to repeal Section 2706 of, the Public Resources Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Committee on Transportation and Housing. Housing omnibus bill.

(1) Existing law authorizes the California Debt Limit Allocation Committee to require any issuer making an application to the committee or the California Tax Credit Allocation Committee for allocation of a portion of the state ceiling, as defined, to make a deposit of up to 1% of the portion requested. If an allocation is given, the committee is required to keep the deposit, in proportion to the amount of allocation given, until bonds are issued. If ~~no~~ bonds are *not* issued prior to the expiration of the allocation, the committee is required to keep the deposit, unless the committee determines there is good cause to return all or part of the deposit.

This bill would specify that in cases where only a portion or none of the bonds are issued, the committee may return all or part of the deposit if it determines there is good cause to do so.

(2) Existing law establishes the Manufactured Home Recovery Fund, which is continuously appropriated to make payments and distributions for actual and direct losses, as defined, arising out of specified transactions regarding the purchase or sale of a manufactured home, if certain conditions are met. Existing law prescribes a fee collected by the Department of Housing and Community Development for each reported sale of a manufactured home, to be deposited in the fund. Whenever the balance in the fund exceeds \$1,000,000 the department is authorized to reduce or increase the fee, respectively.

This bill would instead provide that the department may reduce the fee when the balance exceeds \$2,000,000.

(3) Existing law authorizes the redevelopment agency of the City of Redding to borrow and use a specified amount from its Low and Moderate Income Housing Fund to provide financial assistance for the acquisition of property for a veterans home.

The bill would repeal this provision of law.

(4) Existing law requires ~~cities and counties~~ *a city and county* to collect a fee from each applicant for a building permit, equal to a specific amount of the proposed construction for which the permit is being issued, or at specified rates, for seismic hazards mapping and for the strong-motion instrument program. The ~~city or~~ *and county* is authorized to retain up to 5% of the total amount it collects for data utilization, for seismic education incorporating data interpretations from data of the strong-motion instruments program, the seismic hazards mapping program, and to improve the preparation for damage assessment after strong seismic motion events. Any other funds collected are required to be deposited in the Strong-Motion Instrumentation and Seismic Hazards Mapping Fund to be used exclusively for the strong-motion instruments program and the seismic hazards mapping program, as specified.

This bill would make a technical change *changes to these provision those provisions*.

(5) The bill would correct and eliminate erroneous cross-references, update obsolete terms, correct technical errors, and make conforming changes to existing law relating to housing.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8869.84 of the Government Code is  
2 amended to read:

3 8869.84. (a) The committee shall, as soon as is practicable  
4 after the start of each calendar year, determine and announce the  
5 state ceiling for the calendar year.

6 (b) The entire state ceiling for each calendar year is hereby  
7 allocated to the committee to further allocate to state and local  
8 agencies as provided in this chapter.

9 (c) The committee shall prepare application forms and announce  
10 procedures for receipt and review of applications from state and  
11 local agencies desiring to issue private activity bonds.

12 (d) The committee may at any time, before or after granting any  
13 allocations in any calendar year to any state agencies or local  
14 agencies, announce priorities or reservations of any part of the  
15 state ceiling not theretofore allocated either for certain categories  
16 of bonds or categories of issuers.

17 (e) The committee may require any issuer making an application  
18 to the committee or MBTCAC for allocation of a portion of the  
19 state ceiling to make a deposit, as determined by the committee,  
20 of up to 1 percent of the portion requested. If an allocation is not  
21 given, the deposit shall be returned. If an allocation is given, the  
22 deposit shall be kept, in proportion to the amount of allocation  
23 given, until bonds are issued. Upon that issuance, the deposit shall  
24 be returned to the issuer in an amount equal to the product of (1)  
25 the amount of the deposit retained times (2) the ratio between the  
26 amount of bonds issued divided by the amount of allocation  
27 granted. If no bonds are issued prior to the expiration of the  
28 allocation, the deposit shall be kept. However, in cases where only  
29 a portion or none of the bonds are issued, the committee may return  
30 all or part of the deposit if it determines there is good cause to do  
31 so. Any portion of a deposit kept shall be deposited in the fund.

32 (f) The committee may transfer part of the state ceiling to the  
33 MBTCAC, to be used for qualified mortgage bonds and exempt  
34 facility bonds or for qualified residential rental projects, as those  
35 terms are used in the Internal Revenue Code, together referred to  
36 as "housing bonds," with directions and conditions pursuant to  
37 which MBTCAC may allocate those amounts to issuers of housing  
38 bonds at both the state and local levels. In carrying out these

1 functions, MBTCAC shall act solely as directed or authorized by  
2 the committee. If the committee makes the transfer to MBTCAC  
3 authorized by this subdivision, the references in Sections 8869.85,  
4 8869.86, 8869.87, and 8869.88 to the “committee” shall, for  
5 purposes of any housing bonds, be deemed to mean MBTCAC.

6 (g) (1) The committee may establish the Extra Credit Teacher  
7 Home Purchase Program to provide federal mortgage credit  
8 certificates and reduced interest rate loans funded by mortgage  
9 revenue bonds to eligible teachers, principals, vice principals,  
10 assistant principals, and classified employees who agree to teach  
11 or provide administration or service in a high priority school.  
12 Priority for assistance shall be given to eligible teachers, principals,  
13 vice principals, and assistant principals.

14 (2) For purposes of this program, the following definitions shall  
15 apply:

16 (A) “High priority school” means a state K–12 public school  
17 that is ranked in the bottom half of the Academic Performance  
18 Index developed pursuant to subdivision (a) of Section 52052 of  
19 the Education Code. However, priority shall be given to schools  
20 that are ranked in the lowest three deciles.

21 (B) “Classified employee” means an employee of a school  
22 district, employed in a position not requiring certification  
23 qualifications.

24 (3) The committee may make reservations of a portion of future  
25 calendar year state ceiling limits for up to five future calendar  
26 years for that program. The committee may also make future  
27 allocations of the state ceiling for up to five years for any issuer  
28 under that program. Any future allocation made by the committee  
29 shall constitute an allocation of the state ceiling for a future year  
30 specified by the committee and shall be deemed to have been made  
31 on the first day of the future year so specified. The committee may  
32 condition allocations under the Extra Credit Teacher Home  
33 Purchase Program on any terms and conditions that the committee  
34 deems necessary or appropriate, including, but not limited to, the  
35 execution of a contract between the teacher, principal, vice  
36 principal, assistant principal, or classified employee and the issuer  
37 whereby the teacher, principal, vice principal, assistant principal,  
38 or classified employee agrees to comply with the terms and  
39 conditions of the program. The contract may include, among other  
40 things, an agreement by the teacher, principal, vice principal,

1 assistant principal, or classified employee to teach or provide  
2 administration or service in a high priority school for a minimum  
3 number of years, and provisions for enforcing the contract that the  
4 committee deems necessary or appropriate.

5 (4) If a teacher, principal, vice principal, assistant principal, or  
6 classified employee does not fulfill the requirements of a contract  
7 entered into pursuant to paragraph (3), the issuer of the mortgage  
8 credit certificate or mortgage revenue bond may recover as an  
9 assessment from the teacher, principal, vice principal, assistant  
10 principal, or classified employee a monetary amount equal to the  
11 lesser of (A) one-half of the teacher's, principal's, vice principal's,  
12 assistant principal's, or classified employee's net proceeds from  
13 the sale of the related residence or (B) the amount of monetary  
14 benefit conferred on the teacher, principal, vice principal, assistant  
15 principal, or classified employee as a result of the federal mortgage  
16 credit certificate or reduced interest rate loan funded by a mortgage  
17 revenue bond, offset by the amount of any federal recapture, as  
18 defined by Section 143(m) of the Internal Revenue Code. The  
19 assessment may be secured by a lien against the residence, which  
20 shall decline in amount over the term of the contract as the teacher,  
21 principal, vice principal, assistant principal, or classified employee  
22 fulfills the term of the contract, and which shall be collected at the  
23 time of sale of the residence. Any assessment collected pursuant  
24 to this paragraph shall be used for the issuer's costs in  
25 administering the Extra Credit Teacher Home Purchase Program.  
26 The issuers shall report annually to the committee the total amount  
27 of any assessments collected pursuant to this paragraph and how  
28 those assessments were used by the issuer.

29 (5) If the committee establishes the Extra Credit Teacher Home  
30 Purchase Program pursuant to this subdivision, the committee shall  
31 report annually to the Legislature the results of the program,  
32 including all of the following:

33 (A) The amount of state ceiling limits allocated to or reserved  
34 for the program.

35 (B) The agencies to which state ceiling limits were issued.

36 (C) The number of loans or mortgage credit certificates issued  
37 to teachers, principals, vice principals, assistant principals, and  
38 classified employees.

39 (D) The schools or school districts at which recipients of  
40 assistance are employed, aggregated by decile in which the schools

1 rank on the Academic Performance Index and by the percentage  
2 of uncredentialed teachers employed at the schools.

3 (6) The committee shall not make any reservations of future  
4 calendar year state ceiling limits or future allocations of the state  
5 ceiling pursuant to this subdivision on or after January 1, 2004,  
6 unless a later enacted statute, that is enacted before January 1,  
7 2004, deletes or extends that date. However, reservations and  
8 allocations made prior to that date shall remain valid.

9 *SEC. 2. Section 18028 of the Health and Safety Code is*  
10 *amended to read:*

11 18028. (a) The department may adopt regulations regarding  
12 the construction of commercial modulars and special purpose  
13 commercial modulars, other than mobile food facilities subject to  
14 Article 11 (commencing with Section 114250) of Chapter 4 of  
15 Part 7 of Division 104, and of multifamily manufactured homes,  
16 manufactured homes, and mobilehomes that are not subject to the  
17 National Manufactured Housing Construction and Safety Act of  
18 1974 (42 U.S.C. Sec. 5401 et seq.) that the department determines  
19 are reasonably necessary to protect the health and safety of the  
20 occupants and the public.

21 (b) Requirements for the construction, alteration, or conversion  
22 of commercial modulars shall be those contained, with reasonably  
23 necessary additions or deletions, as adopted by department  
24 regulations, in all of the following:

25 (1) The 1991 Edition of the Uniform Building Code, published  
26 by the International Conference of Building Officials.

27 (2) The 1993 Edition of the National Electrical Code, published  
28 by the National Fire Protection Association.

29 (3) The 1991 Edition of the Uniform Mechanical Code,  
30 published jointly by the International Conference of Building  
31 Officials and the International Association of Plumbing and  
32 Mechanical Officials.

33 (4) The 1991 Edition of the Uniform Plumbing Code, published  
34 by the International Association of Plumbing and Mechanical  
35 Officials.

36 (c) (1) The department shall, on or after January 1, 2008, adopt  
37 regulations for the construction, alteration, or conversion of  
38 commercial modulars based on Parts 2, 3, 4, 5, ~~and 6~~ 6, and 11 of  
39 the California Building Standards Code, as contained in Title 24  
40 of the California Code of Regulations, with appropriate additions,

1 deletions, and other implementing provisions. The regulations  
2 adopted under this paragraph shall be placed within Title 25 of the  
3 California Code of Regulations.

4 (2) The requirements promulgated by the department pursuant  
5 to this section shall ~~only~~ apply *only* to the construction, alteration,  
6 and conversion of commercial modulars, and not to the use or  
7 operation of commercial modulars.

8 ~~(d) No municipality~~ *A municipality shall not prohibit the use of*  
9 *commercial modulars that bear a valid insignia, based on the date*  
10 *the insignia was issued.*

11 ~~SEC. 2.~~

12 *SEC. 3. Section 18070.2 of the Health and Safety Code is*  
13 *amended to read:*

14 18070.2. (a) Fees for the establishment and operation of the  
15 Manufactured Home Recovery Fund shall be collected on or after  
16 January 1, 1985. Claims against the fund arising from sales which  
17 occur after January 1, 1985, may not be submitted to the  
18 department before January 1, 1986. For purposes of this section,  
19 the date of sale shall be either of the following:

20 (1) The date escrow closes for sales by dealers that are subject  
21 to Section 18035 or 18035.2.

22 (2) For all other sales, including sales by dealers in which escrow  
23 does not close, the date when the purchaser has paid the purchase  
24 price or, in lieu thereof, has signed a security agreement, option  
25 to purchase, or purchase contract and has taken physical possession  
26 or delivery of the manufactured home.

27 (b) Notwithstanding any other provision of law, whenever the  
28 balance in the Manufactured Home Recovery Fund exceeds two  
29 million dollars (\$2,000,000) on January 1 of any year, the  
30 department may reduce the fee provided for in subdivision (c) of  
31 Section 18070.1. The department may again increase the fee up  
32 to a maximum of ten dollars (\$10) whenever the balance in the  
33 fund falls below one million dollars (\$1,000,000).

34 *SEC. 4. Section 18214 of the Health and Safety Code is*  
35 *amended to read:*

36 18214. (a) "Mobilehome park" is any area or tract of land  
37 where two or more lots are rented or leased, held out for rent or  
38 lease, or were formerly held out for rent or lease and later converted  
39 to a subdivision, cooperative, condominium, or other form of  
40 resident ownership, to accommodate manufactured homes,

1 mobilehomes, or recreational vehicles used for human habitation.  
2 The rental paid for a manufactured home, a mobilehome, or a  
3 recreational vehicle shall be deemed to include rental for the lot  
4 it occupies. This subdivision shall not be construed to authorize  
5 the rental of a mobilehome park space for the accommodation of  
6 a recreational vehicle in violation of Section 798.22 of the Civil  
7 Code.

8 (b) Notwithstanding subdivision (a), employee housing that has  
9 obtained a permit to operate pursuant to the Employee Housing  
10 Act (Part 1 (commencing with Section 17000)) and that both meets  
11 the criteria of Section 17021.6 and is comprised of two or more  
12 lots or units held out for lease or rent or provided as a term or  
13 condition of employment shall not be deemed a mobilehome park  
14 for the purposes of the requirement to obtain an initial or annual  
15 permit to operate or pay any related fees required by this part.

16 (c) Notwithstanding subdivision (a), an area or tract of land  
17 shall not be deemed a mobilehome park if the structures on it  
18 consist of residential structures that are rented or leased, or held  
19 out for rent or lease, if those residential structures meet both of  
20 the following requirements:

21 (1) The residential structures are manufactured homes  
22 constructed pursuant to the National Manufactured Housing  
23 Construction and Safety Act of 1974 (42 U.S.C. Sec. 5401 et seq.)  
24 or mobilehomes containing two or more dwelling units for human  
25 habitation.

26 (2) Those manufactured homes or mobilehomes have been  
27 approved by a city, county, or city and county pursuant to  
28 subdivision ~~(d)~~ (e) of Section 17951 as an alternate which is at  
29 least the equivalent to the requirements prescribed in the California  
30 Building Standards Code or Part 1.5 (commencing with Section  
31 17910) in performance, safety, and for the protection of life and  
32 health.

33 ~~SEC. 3.~~

34 *SEC. 5.* Section 18218 of the Health and Safety Code is  
35 amended to read:

36 18218. “Commercial modular” as used in this part has the same  
37 meaning as defined in Section 18001.8.

38 ~~SEC. 4.~~

39 *SEC. 6.* Section 18218.5 of the Health and Safety Code is  
40 amended to read:

1 18218.5. “Special purpose commercial modular” as used in  
2 this part has the same meaning as defined in Section 18012.5.

3 ~~SEC. 5.~~

4 *SEC. 7.* Section 18551 of the Health and Safety Code is  
5 amended to read:

6 18551. The department shall establish regulations for  
7 manufactured home, mobilehome, and commercial modular  
8 foundation systems that shall be applicable throughout the state.  
9 When established, these regulations supersede any ordinance  
10 enacted by any city, county, or city and county applicable to  
11 manufactured home, mobilehome, and commercial modular  
12 foundation systems. The department may approve alternate  
13 foundation systems to those provided by regulation where the  
14 department is satisfied of equivalent performance. The department  
15 shall document approval of alternate systems by its stamp of  
16 approval on the plans and specifications for the alternate foundation  
17 system. A manufactured home, mobilehome, or commercial  
18 modular may be installed on a foundation system as either a fixture  
19 or improvement to the real property, in accordance with subdivision  
20 (a), or a manufactured home or mobilehome may be installed on  
21 a foundation system as a chattel, in accordance with subdivision  
22 (b).

23 (a) Installation of a manufactured home, mobilehome, or  
24 commercial modular as a fixture or improvement to the real  
25 property shall comply with all of the following:

26 (1) Prior to installation of a manufactured home, mobilehome,  
27 or commercial modular on a foundation system, the manufactured  
28 home, mobilehome, or commercial modular owner or a licensed  
29 contractor shall obtain a building permit from the appropriate  
30 enforcement agency. To obtain a permit, the owner or contractor  
31 shall provide the following:

32 (A) Written evidence acceptable to the enforcement agency that  
33 the manufactured home, mobilehome, or commercial modular  
34 owner owns, holds title to, or is purchasing the real property where  
35 the mobilehome is to be installed on a foundation system. A lease  
36 held by the manufactured home, mobilehome, or commercial  
37 modular owner, that is transferable, for the exclusive use of the  
38 real property where the manufactured home, mobilehome, or  
39 commercial modular is to be installed, shall be deemed to comply  
40 with this paragraph if the lease is for a term of 35 years or more,

1 or if less than 35 years, for a term mutually agreed upon by the  
2 lessor and lessee, and the term of the lease is not revocable at the  
3 discretion of the lessor except for cause, as described in  
4 subdivisions 2 to 5, inclusive, of Section 1161 of the Code of Civil  
5 Procedure.

6 (B) Written evidence acceptable to the enforcement agency that  
7 the registered owner owns the manufactured home, mobilehome,  
8 or commercial modular free of any liens or encumbrances or, in  
9 the event that the legal owner is not the registered owner, or liens  
10 and encumbrances exist on the manufactured home, mobilehome,  
11 or commercial modular, written evidence provided by the legal  
12 owner and any lienors or encumbrancers that the legal owner,  
13 lienor, or encumbrancer consents to the attachment of the  
14 manufactured home, mobilehome, or commercial modular upon  
15 the discharge of any personal lien, that may be conditioned upon  
16 the satisfaction by the registered owner of the obligation secured  
17 by the lien.

18 (C) Plans and specifications required by department regulations  
19 or a department-approved alternate for the manufactured home,  
20 mobilehome, or commercial modular foundation system.

21 (D) The manufactured home, mobilehome, or commercial  
22 modular manufacturer’s installation instructions, or plans and  
23 specifications signed by a California licensed architect or engineer  
24 covering the installation of an individual manufactured home,  
25 mobilehome, or commercial modular in the absence of the  
26 manufactured home, mobilehome, or commercial modular  
27 manufacturer’s instructions.

28 (E) Building permit fees established by ordinance or regulation  
29 of the appropriate enforcement agency.

30 (F) A fee payable to the department in the amount of eleven  
31 dollars (\$11) for each transportable section of the manufactured  
32 home, mobilehome, or commercial modular, that shall be  
33 transmitted to the department at the time the certificate of  
34 occupancy is issued with a copy of the building permit and any  
35 other information concerning the manufactured home, mobilehome,  
36 or commercial modular which the department may prescribe on  
37 forms provided by the department.

38 (2) (A) On the same day that the certificate of occupancy for  
39 the manufactured home, mobilehome, or commercial modular is  
40 issued by the appropriate enforcement agency, the enforcement

1 agency shall record with the county recorder of the county where  
2 the real property is situated, that the manufactured home,  
3 mobilehome, or commercial modular has been installed upon, a  
4 document naming the owner of the real property, describing the  
5 real property with certainty, and stating that a manufactured home,  
6 mobilehome, or commercial modular has been affixed to that real  
7 property by installation on a foundation system pursuant to this  
8 subdivision.

9 (B) When recorded, the document referred to in subparagraph  
10 (A) shall be indexed by the county recorder to the named owner  
11 and shall be deemed to give constructive notice as to its contents  
12 to all persons thereafter dealing with the real property.

13 (C) Fees received by the department pursuant to subparagraph  
14 (F) of paragraph (1) shall be deposited in the  
15 Mobilehome-Manufactured Home Revolving Fund established  
16 under subdivision (a) of Section 18016.5.

17 (3) The department shall adopt regulations providing for the  
18 cancellation of registration of a manufactured home, mobilehome,  
19 or commercial modular that is permanently attached to the ground  
20 on a foundation system pursuant to subdivision (a). The regulations  
21 shall provide for the surrender to the department of the certificate  
22 of title and other indicia of registration. For the purposes of this  
23 subdivision, permanent affixation to a foundation system shall be  
24 deemed to have occurred on the day a certificate of occupancy is  
25 issued to the manufactured home, mobilehome, or commercial  
26 modular owner and the document referred to in subparagraph (A)  
27 of paragraph (2) is recorded. Cancellation shall be effective as of  
28 that date and the department shall enter the cancellation on its  
29 records upon receipt of a copy of the certificate of occupancy. This  
30 subdivision shall not be construed to affect the application of  
31 existing laws, or the department's regulations or procedures with  
32 regard to the cancellation of registration, except as to the  
33 requirement therefor and the effective date thereof.

34 (4) Once installed on a foundation system in compliance with  
35 this subdivision, a manufactured home, mobilehome, or commercial  
36 modular shall be deemed a fixture and a real property improvement  
37 to the real property to which it is affixed. Physical removal of the  
38 manufactured home, mobilehome, or commercial modular shall  
39 thereafter be prohibited without the consent of all persons or  
40 entities who, at the time of removal, have title to any estate or

1 interest in the real property to which the manufactured home,  
2 mobilehome, or commercial modular is affixed.

3 (5) For the purposes of this subdivision:

4 (A) “Physical removal” shall include, without limitation, the  
5 +++unattaching of the manufactured home, mobilehome, or  
6 commercial modular from the foundation system, except for  
7 temporary purposes of repair or improvement thereto.

8 (B) Consent to removal shall not be required from the owners  
9 of rights-of-way or easements or the owners of subsurface rights  
10 or interests in or to minerals, including, but not limited to, oil, gas,  
11 or other hydrocarbon substances.

12 (6) At least 30 days prior to a legal removal of the manufactured  
13 home, mobilehome, or commercial modular from the foundation  
14 system and transportation away from the real property to which it  
15 was formerly affixed, the manufactured home, mobilehome, or  
16 commercial modular owner shall notify the department and the  
17 county assessor of the intended removal of the manufactured home,  
18 mobilehome, or commercial modular. The department shall require  
19 written evidence that the necessary consents have been obtained  
20 pursuant to this section and shall require application for either a  
21 transportation permit or manufactured home, mobilehome, or  
22 commercial modular registration, as the department may decide  
23 is appropriate to the circumstances. Immediately upon removal,  
24 as defined in this section, the manufactured home, mobilehome,  
25 or commercial modular shall be deemed to have become personal  
26 property and subject to all laws governing the same as applicable  
27 to a manufactured home, mobilehome, or commercial modular.

28 (b) The installation of a manufactured home or a mobilehome  
29 on a foundation system as chattel shall be in accordance with  
30 Section 18613 and shall be deemed to meet or exceed the  
31 requirements of Section 18613.4. This subdivision shall not be  
32 construed to affect the application of sales and use or property  
33 taxes. No provisions of this subdivision are intended, nor shall  
34 they be construed, to affect the ownership interest of any owner  
35 of a manufactured home or mobilehome.

36 (c) Once installed on a foundation system, a manufactured home,  
37 mobilehome, or commercial modular shall be subject to state  
38 enforced health and safety standards for manufactured homes,  
39 mobilehomes, or commercial modulares enforced pursuant to  
40 Section 18020.

1 (d) No local agency shall require that any manufactured home,  
2 mobilehome, or commercial modular currently on private property  
3 be placed on a foundation system.

4 (e) No local agency shall require that any manufactured home  
5 or mobilehome located in a mobilehome park be placed on a  
6 foundation system.

7 (f) No local agency shall require, as a condition for the approval  
8 of the conversion of a rental mobilehome park to a resident-owned  
9 park, including, but not limited to, a subdivision, cooperative, or  
10 condominium for mobilehomes, that any manufactured home or  
11 mobilehome located there be placed on a foundation system. This  
12 subdivision shall only apply to the conversion of a rental  
13 mobilehome park that has been operated as a rental mobilehome  
14 park for a minimum period of five years.

15 ~~SEC. 6.~~

16 *SEC. 8.* Section 18866.2 of the Health and Safety Code is  
17 amended to read:

18 18866.2. Any notice of violation of this part, or any rule or  
19 regulation adopted pursuant thereto, issued by the enforcement  
20 agency shall be issued to the appropriate persons designated in  
21 Section 18867 and shall include a statement that any willful  
22 violation is a misdemeanor under Section 18874.

23 ~~SEC. 7.~~

24 *SEC. 9.* Section 33334.29 of the Health and Safety Code is  
25 repealed.

26 ~~SEC. 8.~~

27 *SEC. 10.* Section 33420.1 of the Health and Safety Code is  
28 amended to read:

29 33420.1. Within a project area, for any project undertaken by  
30 an agency for building rehabilitation or alteration in construction,  
31 an agency may take those actions which the agency determines  
32 necessary and which is consistent with local, state, and federal  
33 law, to provide for seismic retrofits as follows:

34 (a) For unreinforced masonry buildings, to meet the  
35 requirements of Appendix Chapter A1 of the ~~most current edition~~  
36 ~~of the California Building Code.~~ *current California Existing*  
37 *Building Code (Part 10 of Title 24 of the California Code of*  
38 *Regulations).*

39 (b) For any buildings that qualify as “historical property” under  
40 Section 37602, to meet the requirements of the State Historical

1 Building Code (Part 2.7 (commencing with Section 18950) of  
 2 Division 13) and the ~~most current edition of the current~~ California  
 3 Historical Building Code (*Part 8 of Title 24 of the California Code*  
 4 *of Regulations*).

5 (c) For buildings other than unreinforced masonry buildings  
 6 and historical properties, to meet the requirements of ~~the most~~  
 7 ~~current edition of the International Building Code, as applicable.~~  
 8 *Appendix A: Guidelines for the Seismic Retrofit of Existing*  
 9 *Buildings of the International Existing Building Code unless*  
 10 *superseding building standards for existing buildings are adopted*  
 11 *in the California Building Code (Part 2 of Title 24 of the California*  
 12 *Code of Regulations).*

13 If an agency undertakes seismic retrofits and proposes to add  
 14 new territory to the project area, to increase either the limitation  
 15 on the number of dollars to be allocated to the redevelopment  
 16 agency or the time limit on the establishing of loans, advances,  
 17 and indebtedness established pursuant to paragraphs (1) and (2)  
 18 of Section 33333.2, to lengthen the period during which the  
 19 redevelopment plan is effective, to merge project areas, or to add  
 20 significant additional capital improvement projects, as determined  
 21 by the agency, the agency shall amend its redevelopment plan and  
 22 follow the same procedure, and the legislative body is subject to  
 23 the same restrictions, as provided for in Article 4 (commencing  
 24 with Section 33330) for the adoption of a plan.

25 ~~SEC. 9.~~

26 *SEC. 11.* Section 2705 of the Public Resources Code is  
 27 amended to read:

28 2705. (a) ~~Counties and cities~~ *A city, county, and city and*  
 29 *county* shall collect a fee from each applicant for a building permit.  
 30 Each fee shall be equal to a specific amount of the proposed  
 31 building construction for which the building permit is issued as  
 32 determined by the local building officials. The fee amount shall  
 33 be assessed in the following way:

34 (1) Group R occupancies, as defined in the ~~1985 Uniform~~  
 35 ~~Building Code and adopted in Part 2 (commencing with Section~~  
 36 ~~2-101) of Title 24 of the California Code of Regulations, one to~~  
 37 *California Building Code (Part 2 of Title 24 of the California Code*  
 38 *of Regulations), one to three stories in height, except hotels and*  
 39 *motels, shall be assessed at the rate of ten dollars (\$10) per one*

1 hundred thousand dollars (\$100,000), with appropriate fractions  
2 thereof.

3 (2) All other buildings shall be assessed at the rate of twenty-one  
4 dollars (\$21) per one hundred thousand dollars (\$100,000), with  
5 appropriate fractions thereof.

6 (3) The fee shall be the amount assessed under paragraph (1)  
7 or (2), depending on building type, or fifty cents (\$0.50), whichever  
8 is the higher.

9 (b) (1) In lieu of the requirements of subdivision (a), a ~~county~~  
10 ~~or city~~ *city, county, and city and county* may elect to include a rate  
11 of ten dollars (\$10) per one hundred thousand dollars (\$100,000),  
12 with appropriate fractions thereof, in its basic building permit fee  
13 for any Group R occupancy defined in paragraph (1) of subdivision  
14 (a), and a rate of twenty-one dollars (\$21) per one hundred  
15 thousand dollars (\$100,000), with appropriate fractions thereof,  
16 for all other building types. A ~~county or city~~ *city, county, and city*  
17 *and county* electing to collect the fee pursuant to this subdivision  
18 need not segregate the fees in a fund separate from any fund into  
19 which basic building permit fees are deposited.

20 (2) “Building,” for the purpose of this chapter, is any structure  
21 built for the support, shelter, or enclosure of persons, animals,  
22 chattels, or property of any kind.

23 (c) (1) A ~~city or county~~ *city, county, and city and county* may  
24 retain up to 5 percent of the total amount it collects under  
25 subdivision (a) or (b) for data utilization, for seismic education  
26 incorporating data interpretations from data of the strong-motion  
27 instrumentation program and the seismic hazards mapping program,  
28 and, in accordance with paragraph (2), for improving the  
29 preparation for damage assessment after strong seismic motion  
30 events.

31 (2) A ~~city or county~~ *city, county, and city and county* may use  
32 any funds retained pursuant to this subdivision to improve the  
33 preparation for damage assessment in its jurisdiction only after it  
34 provides the Department of Conservation with information  
35 indicating to the department that data utilization and seismic  
36 education activities have been adequately funded.

37 (d) Funds collected pursuant to ~~subdivision~~ *subdivisions* (a) and  
38 (b), less the amount retained pursuant to subdivision (c), shall be  
39 deposited in the Strong-Motion Instrumentation and Seismic  
40 Hazards Mapping Fund, as created by Section 2699.5 to be used

1 exclusively for purposes of this chapter and Chapter 7.8  
2 (commencing with Section 2690).  
3 ~~SEC. 10.~~  
4 *SEC. 12.* Section 2706 of the Public Resources Code is  
5 repealed.

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