

AMENDED IN ASSEMBLY MARCH 13, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 379

Introduced by Assembly Member Brown

February 14, 2013

An act to amend Section 18551 of the Health and Safety Code, relating to manufactured housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Brown. Manufactured housing: removal.

Existing law requires the installation of a manufactured home, mobilehome, or commercial modular as a fixture or improvement to real property to comply with specified provisions. *Existing law requires an enforcement agency to record with the county recorder of the county where real property is situated, on the same day that the certificate of occupancy for a manufactured home, mobilehome, or commercial modular is issued by the appropriate enforcement agency, that the real property has been installed upon, and a document naming the owner of the real property, describing the real property with certainty, and stating that a manufactured home, mobilehome, or commercial modular has been affixed to the real property by installation on a foundation system, as specified.* ~~Existing~~

This bill would instead require that recordation to occur within 5 business days of the issuance of the certificate of occupancy.

Existing law provides that once installed on a foundation system in compliance with these provisions, it a manufactured home, mobilehome, or commercial modular shall be deemed a fixture and a real property improvement to the real property to which it is affixed and physical removal of the manufactured home, mobilehome, or commercial

modular shall thereafter be prohibited without the consent of all persons or entities who, at the time of removal, have title to any estate or interest in the real property to which it is affixed. Existing law also requires the owner, at least 30 days prior to a legal removal of the manufactured home, mobilehome, or commercial modular from the foundation system and transportation away from the real property to which it was formerly affixed, to notify the Department of Housing and Community Development and the county assessor of the intended removal.

~~The bill would also make other technical, nonsubstantive changes.~~

This bill would instead require the manufactured home, mobilehome, or commercial modular owner to notify the department and the county assessor of the intended removal at least 31 days prior to the removal.

The bill would also make other technical, nonsubstantive changes.

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 18551 of the Health and Safety Code is
- 2 amended to read:
- 3 18551. The department shall establish regulations for
- 4 manufactured home, mobilehome, and commercial modular
- 5 foundation systems that shall be applicable throughout the state.
- 6 When established, these regulations supersede any ordinance
- 7 enacted by any city, county, or city and county applicable to
- 8 manufactured home, mobilehome, and commercial modular
- 9 foundation systems. The department may approve alternate
- 10 foundation systems to those provided by regulation if the
- 11 department is satisfied of equivalent performance. The department
- 12 shall document approval of alternate systems by its stamp of
- 13 approval on the plans and specifications for the alternate foundation
- 14 system. A manufactured home, mobilehome, or commercial
- 15 modular may be installed on a foundation system as either a fixture
- 16 or improvement to the real property, in accordance with subdivision
- 17 (a), or a manufactured home or mobilehome may be installed on
- 18 a foundation system as a chattel, in accordance with subdivision
- 19 (b).
- 20 (a) ~~Installation of~~ *Notwithstanding any other law, prior to a*
- 21 *manufactured home, mobilehome, or commercial modular as being*

1 *deemed* a fixture or improvement to the real property, *the*
2 *installation* shall comply with all of the following:

3 (1) Prior to installation of a manufactured home, mobilehome,
4 or commercial modular on a foundation system, the manufactured
5 home, mobilehome, or commercial modular owner or a licensed
6 contractor shall obtain a building permit from the appropriate
7 enforcement agency. To obtain a permit, the owner or contractor
8 shall provide the following:

9 (A) Written evidence acceptable to the enforcement agency that
10 the manufactured home, mobilehome, or commercial modular
11 owner owns, holds title to, or is purchasing the real property where
12 the mobilehome is to be installed on a foundation system. A lease
13 held by the manufactured home, mobilehome, or commercial
14 modular owner, that is transferable, for the exclusive use of the
15 real property where the manufactured home, mobilehome, or
16 commercial modular is to be installed, shall be deemed to comply
17 with this paragraph if the lease is for a term of 35 years or more,
18 or if less than 35 years, for a term mutually agreed upon by the
19 lessor and lessee, and the term of the lease is not revocable at the
20 discretion of the lessor except for cause, as described in
21 subdivisions 2 to 5, inclusive, of Section 1161 of the Code of Civil
22 Procedure.

23 (B) Written evidence acceptable to the enforcement agency that
24 the registered owner owns the manufactured home, mobilehome,
25 or commercial modular free of any liens or encumbrances or, in
26 the event that the legal owner is not the registered owner, or liens
27 and encumbrances exist on the manufactured home, mobilehome,
28 or commercial modular, written evidence provided by the legal
29 owner and any lienors or encumbrancers that the legal owner,
30 lienor, or encumbrancer consents to the attachment of the
31 manufactured home, mobilehome, or commercial modular upon
32 the discharge of any personal lien, that may be conditioned upon
33 the satisfaction by the registered owner of the obligation secured
34 by the lien.

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

38 (D) The manufactured home, mobilehome, or commercial
39 modular manufacturer's installation instructions, or plans and
40 specifications signed by a California-licensed architect or engineer

1 covering the installation of an individual manufactured home,
 2 mobilehome, or commercial modular in the absence of the
 3 manufactured home, mobilehome, or commercial modular
 4 manufacturer’s instructions.

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

7 (F) A fee payable to the department in the amount of eleven
 8 dollars (\$11) for each transportable section of the manufactured
 9 home, mobilehome, or commercial modular, that shall be
 10 transmitted to the department at the time the certificate of
 11 occupancy is issued with a copy of the building permit and any
 12 other information concerning the manufactured home, mobilehome,
 13 or commercial modular that the department may prescribe on forms
 14 provided by the department.

15 (2) (A) ~~On the same day that~~ *Within five business days of the*
 16 *issuance of the certificate of occupancy for the manufactured home,*
 17 *mobilehome, or commercial modular is issued* by the appropriate
 18 enforcement agency, the enforcement agency shall record with the
 19 county recorder of the county where the real property is situated,
 20 that the manufactured home, mobilehome, or commercial modular
 21 has been installed upon, *and* a document naming the owner of the
 22 real property, describing the real property with certainty, and
 23 stating that a manufactured home, mobilehome, or commercial
 24 modular has been affixed to that real property by installation on a
 25 foundation system pursuant to this subdivision.

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

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

34 (3) The department shall adopt regulations providing for the
 35 cancellation of registration of a manufactured home, mobilehome,
 36 or commercial modular that is permanently attached to the ground
 37 on a foundation system pursuant to subdivision (a). The regulations
 38 shall provide for the surrender to the department of the certificate
 39 of title and other indicia of registration. For the purposes of this
 40 subdivision, permanent affixation to a foundation system shall be

1 deemed to have occurred on the day a certificate of occupancy is
2 issued to the manufactured home, mobilehome, or commercial
3 modular owner and the document referred to in subparagraph (A)
4 of paragraph (2) is recorded. Cancellation shall be effective as of
5 that date and the department shall enter the cancellation on its
6 records upon receipt of a copy of the certificate of occupancy. This
7 subdivision shall not be construed to affect the application of
8 existing laws, or the department’s regulations or procedures with
9 regard to the cancellation of registration, except as to the
10 requirement therefor and the effective date thereof.

11 (4) Once installed on a foundation system in compliance with
12 this subdivision, a manufactured home, mobilehome, or commercial
13 modular shall be deemed a fixture and a real property improvement
14 to the real property to which it is affixed. Physical removal of the
15 manufactured home, mobilehome, or commercial modular shall
16 thereafter be prohibited without the consent of all persons or
17 entities who, at the time of removal, have title to any estate or
18 interest in the real property to which the manufactured home,
19 mobilehome, or commercial modular is affixed.

20 (5) For the purposes of this subdivision:

21 (A) “Physical removal” shall include, without limitation, the
22 unattaching of the manufactured home, mobilehome, or commercial
23 modular from the foundation system, except for temporary
24 purposes of repair or improvement thereto.

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

29 (6) At least 31 days prior to a legal removal of the manufactured
30 home, mobilehome, or commercial modular from the foundation
31 system and transportation away from the real property to which it
32 was formerly affixed, the manufactured home, mobilehome, or
33 commercial modular owner shall notify the department and the
34 county assessor of the intended removal of the manufactured home,
35 mobilehome, or commercial modular. The department shall require
36 written evidence that the necessary consents have been obtained
37 pursuant to this section and shall require application for either a
38 transportation permit or manufactured home, mobilehome, or
39 commercial modular registration, as the department may decide
40 is appropriate to the circumstances. Immediately upon removal,

1 as defined in this section, the manufactured home, mobilehome,
2 or commercial modular shall be deemed to have become personal
3 property and subject to all laws governing the same as applicable
4 to a manufactured home, mobilehome, or commercial modular.

5 (b) The installation of a manufactured home or a mobilehome
6 on a foundation system as chattel shall be in accordance with
7 Section 18613 and shall be deemed to meet or exceed the
8 requirements of Section 18613.4. This subdivision shall not be
9 construed to affect the application of sales and use or property
10 taxes. No provisions of this subdivision are intended, nor shall
11 they be construed, to affect the ownership interest of any owner
12 of a manufactured home or mobilehome.

13 (c) Once installed on a foundation system, a manufactured home,
14 mobilehome, or commercial modular shall be subject to
15 state-enforced health and safety standards for manufactured homes,
16 mobilehomes, or commercial modulares enforced pursuant to
17 Section 18020.

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

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

24 (f) No local agency shall require, as a condition for the approval
25 of the conversion of a rental mobilehome park to a resident-owned
26 park, including, but not limited to, a subdivision, cooperative, or
27 condominium for mobilehomes, that any manufactured home or
28 mobilehome located there be placed on a foundation system. This
29 subdivision shall only apply to the conversion of a rental
30 mobilehome park that has been operated as a rental mobilehome
31 park for a minimum period of five years.

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