

AMENDED IN SENATE JUNE 12, 2013

AMENDED IN SENATE MAY 28, 2013

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, 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.

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, 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.

The bill would also make other technical, nonsubstantive, and clarifying 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) Notwithstanding any other law, prior to a manufactured
21 home, mobilehome, or commercial modular being deemed a fixture
22 or improvement to the real property, the installation shall comply
23 with all of the following:

24 (1) Prior to installation of a manufactured home, mobilehome,
25 or commercial modular on a foundation system, the manufactured
26 home, mobilehome, or commercial modular owner or a licensed
27 contractor shall obtain a building permit from the appropriate

1 enforcement agency. To obtain a permit, the owner or contractor
2 shall provide the following:

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

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

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

32 (D) The manufactured home, mobilehome, or commercial
33 modular manufacturer's installation instructions, or plans and
34 specifications signed by a California-licensed architect or engineer
35 covering the installation of an individual manufactured home,
36 mobilehome, or commercial modular in the absence of the
37 manufactured home, mobilehome, or commercial modular
38 manufacturer's instructions.

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

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

9 (2) (A) Within five business days of the issuance of the
10 certificate of occupancy for the manufactured home, mobilehome,
11 or commercial modular by the appropriate enforcement agency,
12 the enforcement agency shall record ~~with the county recorder of~~
13 ~~the county where the real property is situated, that the manufactured~~
14 ~~home, mobilehome, or commercial modular has been installed~~
15 ~~upon,~~ in a document naming the owner of the real property,
16 describing the real property with certainty, and stating that a
17 manufactured home, mobilehome, or commercial modular has
18 been affixed to that real property by installation on a foundation
19 system pursuant to this subdivision. *The document shall be*
20 *recorded with the county recorder of the county where the real*
21 *property, upon which the manufactured home, mobilehome, or*
22 *commercial modular that has been installed, is situated.*

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

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

31 (3) The certification of title and other indicia of registration
32 shall be surrendered to the department pursuant to regulations
33 adopted by the department providing for the cancellation of
34 registration of a manufactured home, mobilehome, or commercial
35 modular that is permanently attached to the ground on a foundation
36 system pursuant to subdivision (a). For the purposes of this
37 subdivision, permanent affixation to a foundation system shall be
38 deemed to have occurred on the day a certificate of occupancy is
39 issued to the manufactured home, mobilehome, or commercial
40 modular owner and the document referred to in subparagraph (A)

1 of paragraph (2) is recorded. Cancellation shall be effective as of
2 that date and the department shall enter the cancellation on its
3 records upon receipt of a copy of the certificate of occupancy. This
4 subdivision shall not be construed to affect the application of
5 existing laws, or the department's regulations or procedures with
6 regard to the cancellation of registration, except as to the
7 requirement therefor and the effective date thereof.

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

17 (5) For the purposes of this subdivision:

18 (A) "Physical removal" shall include, without limitation, the
19 unattaching of the manufactured home, mobilehome, or commercial
20 modular from the foundation system, except for temporary
21 purposes of repair or improvement thereto.

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

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

1 property and subject to all laws governing the same as applicable
2 to a manufactured home, mobilehome, or commercial modular.
3 (b) The installation of a manufactured home or a mobilehome
4 on a foundation system as chattel shall be in accordance with
5 Section 18613 and shall be deemed to meet or exceed the
6 requirements of Section 18613.4. This subdivision shall not be
7 construed to affect the application of sales and use or property
8 taxes. No provisions of this subdivision are intended, nor shall
9 they be construed, to affect the ownership interest of any owner
10 of a manufactured home or mobilehome.
11 (c) Once installed on a foundation system, a manufactured home,
12 mobilehome, or commercial modular shall be subject to
13 state-enforced health and safety standards for manufactured homes,
14 mobilehomes, or commercial modulares enforced pursuant to
15 Section 18020.
16 (d) No local agency shall require that any manufactured home,
17 mobilehome, or commercial modular currently on private property
18 be placed on a foundation system.
19 (e) No local agency shall require that any manufactured home
20 or mobilehome located in a mobilehome park be placed on a
21 foundation system.
22 (f) No local agency shall require, as a condition for the approval
23 of the conversion of a rental mobilehome park to a resident-owned
24 park, including, but not limited to, a subdivision, cooperative, or
25 condominium for mobilehomes, that any manufactured home or
26 mobilehome located there be placed on a foundation system. This
27 subdivision shall only apply to the conversion of a rental
28 mobilehome park that has been operated as a rental mobilehome
29 park for a minimum period of five years.

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