

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 1205

Introduced by Assembly Member Wieckowski

February 22, 2013

An act to add Section 798.31.5 to, and to add Article 8.5 (commencing with Section 798.90) to Chapter 2.5 of Title 2 of Part 2 of Division 2 of, the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1205, as amended, Wieckowski. Mobilehome ~~residency: state dispute resolution program~~. *Residency Law: mediation program.*

The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks, *and includes provisions that are applicable to those who have an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, as specified. Among other things, these provisions set forth the rights of residents and homeowners regarding the use of the property.*

~~This bill would declare the intent of the Legislature to enact legislation that would provide an equitable, cost effective, and more efficient way for mobilehome tenants and mobilehome community landlords to resolve disputes, pursuant to a state mobilehome residency dispute resolution program, as specified~~ *create the Mobilehome Residency Law Mediation Act and would establish the Mobilehome Residency Law Mediation Fund, for funds collected by the Department of Housing and Community Development pursuant to the act. This bill would impose a unspecified monetary assessment on landlords for each mobilehome within the community and a \$250 late fee, as provided.*

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

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

1 SECTION 1. Section 798.31.5 is added to the Civil Code, to
2 read:

3 798.31.5. (a) There is hereby established in the State Treasury
4 the Mobilehome Residency Law Mediation Fund, into which funds
5 collected by the Department of Housing and Community
6 Development pursuant to this section shall be deposited, including
7 fines and registration fees from sources to fund the mobilehome
8 dispute resolution program. Expenditures from the account may
9 be used only for the costs associated with administering the
10 Mobilehome Residency Law mediation program.

11 (b) Each mobilehome community landlord shall pay to the
12 department an annual registration assessment of ____ dollars
13 (\$____) for each mobilehome that is subject to the Mobilehome
14 Residency Law within a mobilehome community. Mobilehome
15 community landlords may charge a maximum of ____ dollars
16 (\$____) of this assessment to tenants. The registration assessment
17 for each mobilehome shall be deposited to fund the costs associated
18 with the Mobilehome Residency Law Mediation Act, including
19 costs incurred by the department.

20 (c) Initial registrations of mobilehome communities shall be
21 filed with the department before November 1, 2014, or within three
22 months of the availability of mobilehome lots for rent within the
23 community. The mobilehome community is subject to a delinquency
24 fee of two hundred fifty dollars (\$250) for late initial registrations.

25 (d) Thirty days after sending late fee notices to a noncomplying
26 landlord, the department may refer the past due account to a
27 collection agency. If there is no response from a noncomplying
28 landlord after 60 days in collections, the department may file an
29 action to enforce payment of unpaid registration assessments and
30 late fees in the superior court in the county in which the
31 mobilehome community is located. If the department prevails, the
32 mobilehome community landlord shall pay the department’s costs,
33 including reasonable attorney’s fees, for the enforcement
34 proceedings.

1 (e) Registration is effective on the date determined by the
2 department, and the department shall issue a registration number
3 to each registered mobilehome community. The department shall
4 provide an expiration date, assigned by the department, to each
5 mobilehome community that registers.

6 SEC. 2. Article 8.5 (commencing with Section 798.90) is added
7 to Chapter 2.5 of Title 2 of Part 2 of Division 2 of the Civil Code,
8 to read:

9
10 Article 8.5. Mobilehome Residency Law Mediation Act

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12 798.90. This article shall be known and may be cited as the
13 “Mobilehome Residency Law Mediation Act.”

14 SECTION 1. ~~(a) It is the intent of the Legislature to enact~~
15 ~~legislation to provide an equitable, cost effective, and more~~
16 ~~efficient way for mobilehome tenants and mobilehome community~~
17 ~~landlords to resolve disputes.~~

18 ~~(b) The Legislature finds and declares that the unique~~
19 ~~circumstances of owning a home within a manufactured housing~~
20 ~~community require special protections. Once occupancy has~~
21 ~~commenced, the difficulty and expense in moving and relocating~~
22 ~~a manufactured home can affect the operation of market forces~~
23 ~~and lead to an inequity in the bargaining positions of the parties.~~
24 ~~Having a low-cost system for resolving disputes protects~~
25 ~~homeowners and ensures that both parties’ interests are protected.~~

26 ~~(c) It is the intent of the Legislature to authorize a state agency~~
27 ~~or official to establish a mobilehome residency dispute resolution~~
28 ~~program, and to do all of the following:~~

29 ~~(1) Produce and distribute educational materials regarding the~~
30 ~~Mobilehome Residency Law (Chapter 2.5 (commencing with~~
31 ~~Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code)~~
32 ~~and the mobilehome residency dispute resolution program created~~
33 ~~by this act.~~

34 ~~(2) Administer the mobilehome residency dispute resolution~~
35 ~~program by taking complaints, conducting investigations, making~~
36 ~~determinations, assessing fines and other penalties, and~~
37 ~~participating in administrative dispute resolutions, when necessary.~~

38 ~~(3) Collect and annually report upon data related to disputes~~
39 ~~and violations, and make recommendations on improving~~
40 ~~mobilehome residency dispute resolution.~~

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