

AMENDED IN ASSEMBLY APRIL 8, 2013

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 Law: mediation program.

The Mobilehome Residency Law (*MRL*) 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 ~~create~~ *enact* the Mobilehome Residency Law Mediation Act ~~and within the MRL to establish a mediation program for alleged violations of the MRL, including investigation of alleged violations of the MRL and determination and notice of violations, to be administered by an unspecified department.~~ The bill 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.* The bill would impose a unspecified monetary

assessment on landlords for each mobilehome within the community and a \$250 late fee, as provided owners of mobilehome parks, and would authorize an owner to impose an unspecified portion of that assessment on homeowners.

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 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. deposited. Expenditures from the
9 account may be used only for the costs associated with
10 administering the Mobilehome Residency Law mediation program
11 under this chapter.

12 (b) Each mobilehome community landlord shall pay to the
13 department owner of a mobilehome park shall submit along with
14 the annual operating permit fee submitted pursuant to Section
15 18502 of the Health and Safety Code an annual registration
16 assessment of ____ dollars (\$____) for each mobilehome that is
17 subject to the Mobilehome Residency Law this chapter within a
18 mobilehome community. Mobilehome community landlords may
19 charge a park. An owner may assess homeowners a maximum of
20 ____ dollars (\$____) of this assessment to tenants. assessment.
21 The registration assessment for each mobilehome shall be deposited
22 to fund the costs associated with the Mobilehome Residency Law
23 Mediation Act (Article 8.5 (commencing with Section 798.90)),
24 including costs incurred by the department.

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

1 ~~(d) Thirty days after sending late fee notices to a noncomplying~~
 2 ~~landlord, the department may refer the past due account to a~~
 3 ~~collection agency. If there is no response from a noncomplying~~
 4 ~~landlord after 60 days in collections, the department may file an~~
 5 ~~action to enforce payment of unpaid registration assessments and~~
 6 ~~late fees in the superior court in the county in which the~~
 7 ~~mobilehome community is located. If the department prevails, the~~
 8 ~~mobilehome community landlord shall pay the department's costs,~~
 9 ~~including reasonable attorney's fees, for the enforcement~~
 10 ~~proceedings.~~

11 ~~(e) Registration is effective on the date determined by the~~
 12 ~~department, and the department shall issue a registration number~~
 13 ~~to each registered mobilehome community. The department shall~~
 14 ~~provide an expiration date, assigned by the department, to each~~
 15 ~~mobilehome community that registers.~~

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

19
 20 Article 8.5. Mobilehome Residency Law Mediation Act
 21

22 798.90. This article shall be known and may be cited as the
 23 "Mobilehome Residency Law Mediation Act."

24 798.91. *As used in this article, "department" means ____.*

25 798.92. (a) *Any person claiming to be aggrieved by an alleged*
 26 *violation of this chapter may file a complaint with the department,*
 27 *setting forth the alleged violation and the parties involved.*

28 (b) *Upon receiving a complaint, the department shall commence*
 29 *an investigation to ascertain the factual and legal basis for the*
 30 *complaint.*

31 (c) *If the department determines that there is probable cause*
 32 *to believe the allegations are true and that those allegations, if*
 33 *proven, are a violation of this chapter, the department shall*
 34 *proceed pursuant to Section 798.93.*

35 (d) *If the department determines there is insufficient cause to*
 36 *proceed, it shall inform the complainant in writing of its*
 37 *determination.*

38 798.93. (a) *If the department has determined that probable*
 39 *cause exists to establish a violation of this chapter, the department*

1 shall contact the party or parties involved and attempt a
2 reconciliation or settlement of the dispute.

3 (b) Any party contacted by the department shall cooperate with
4 the department's investigation, at a minimum, by responding to
5 requests for information, which may include providing access to
6 papers or other documents, and by providing access to the
7 manufactured housing community relevant to the investigation.

8 (c) If, after an investigation, the department determines that an
9 agreement cannot be negotiated between the parties, the
10 department shall make a written determination as to whether a
11 violation of this chapter has occurred.

12 (d) If the department finds by a written determination that a
13 violation of this chapter has occurred, the department shall deliver
14 by certified mail a written notice of violation to the respondent
15 who committed the violation. The notice of violation shall specify
16 the violation, the corrective action required, and the time within
17 which the corrective action is to be taken. The department shall
18 deliver to the complainant a copy of the notice of violation by
19 certified mail.

20 (e) If the department finds by a written determination that a
21 violation has not occurred, the department shall deliver by certified
22 mail a written notice of nonviolation to both the complainant and
23 the respondent.