

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2753

**Introduced by Committee on Housing and Community Development
(Assembly Member Chau (Chair), Beth Gaines (Vice Chair),
Atkins, Brown, Maienschein, Quirk-Silva, and Yamada)**

March 20, 2014

An act to amend Section 798.37.5 of the Civil Code, to amend Sections 54237.5 and 65588 of the Government Code, and to amend ~~Section 51505~~ *Sections 17926 and 51505* of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2753, as amended, Committee on Housing and Community Development. Housing.

(1) The Mobilehome Residency Law generally governs the terms and conditions of residency in mobilehome parks.

This bill would make a technical, nonsubstantive change to update a cross-reference in a provision of that law.

(2) Existing law sets forth the procedure for the state to dispose of surplus residential property.

This bill would make a technical, nonsubstantive change to properly reference federal law.

(3) The Planning and Zoning Law requires each local government to review its housing element as frequently as appropriate to evaluate specified considerations.

This bill would make a technical, nonsubstantive change to correct a cross-reference in a provision of that law.

(4) *The State Housing Law requires existing hotel and motel dwelling units, as specified, to have carbon monoxide devices installed on or before January 1, 2016. Existing law requires the Department of Housing and Community Development, on or before July 1, 2014, to submit for adoption and approval building standards for the installation of carbon monoxide detectors in hotel and motel dwelling units, as specified.*

This bill would extend to January 1, 2017, the deadline for the owners of existing hotel and motel dwelling units to install carbon monoxide devices. This bill would extend to July 1, 2015, the deadline for the Department of Housing and Community Development to submit building standards for the installation of carbon monoxide detectors in hotel and motel dwelling units.

(4)

(5) The California Homebuyer’s Downpayment Assistance Program assists first-time low- and moderate-income homebuyers utilizing existing mortgage financing and requires certain funds to be used for the Extra Credit Teacher Home Purchase Program or other school personnel home ownership assistance programs, as specified.

This bill would modify an obsolete cross-reference and would provide for specified conditions when the downpayment assistance is not due and payable upon sale of a home.

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 798.37.5 of the Civil Code is amended
 2 to read:
 3 798.37.5. (a) With respect to trees on rental spaces in a
 4 mobilehome park, park management shall be solely responsible
 5 for the trimming, pruning, or removal of any tree, and the costs
 6 thereof, upon written notice by a homeowner or a determination
 7 by park management that the tree poses a specific hazard or health
 8 and safety violation. In the case of a dispute over that assertion,
 9 the park management or a homeowner may request an inspection
 10 by the Department of Housing and Community Development or
 11 a local agency responsible for the enforcement of the Mobilehome
 12 Parks Act (Part 2.1 (commencing with Section 18200) of Division

1 13 of the Health and Safety Code) in order to determine whether
2 a violation of that act exists.

3 (b) With respect to trees in the common areas of a mobilehome
4 park, park management shall be solely responsible for the
5 trimming, pruning, or removal of any tree, and the costs thereof.

6 (c) Park management shall be solely responsible for the
7 maintenance, repair, replacement, paving, sealing, and the expenses
8 related to the maintenance of all driveways installed by park
9 management including, but not limited to, repair of root damage
10 to driveways and foundation systems and removal. Homeowners
11 shall be responsible for the maintenance, repair, replacement,
12 paving, sealing, and the expenses related to the maintenance of a
13 homeowner installed driveway. A homeowner may be charged for
14 the cost of any damage to the driveway caused by an act of the
15 homeowner or a breach of the homeowner's responsibilities under
16 the rules and regulations so long as those rules and regulations are
17 not inconsistent with the provisions of this section.

18 (d) No homeowner may plant a tree within the mobilehome
19 park without first obtaining written permission from the
20 management.

21 (e) This section shall not apply to alter the terms of any rental
22 agreement in effect prior to January 1, 2001, between the park
23 management and the homeowner regarding the responsibility for
24 the maintenance of trees and driveways within the mobilehome
25 park, except that upon any renewal or extension, the rental
26 agreement shall be subject to this section. This section is not
27 intended to abrogate the content of any existing rental agreement
28 or other written agreements regarding trees or driveways that are
29 in effect prior to January 1, 2001.

30 (f) This section shall only apply to rental agreements entered
31 into, renewed, or extended on or after January 1, 2001.

32 (g) Any mobilehome park rule or regulation shall be in
33 compliance with this section.

34 SEC. 2. Section 54237.5 of the Government Code is amended
35 to read:

36 54237.5. Notwithstanding the requirement to provide repairs
37 in subdivision (b) of Section 54237, the selling agency may, at its
38 option, provide the present occupants with a replacement dwelling
39 if all of the following conditions exist:

1 (a) Providing a replacement dwelling is less expensive than
2 providing the repairs required by subdivision (b) of Section 54237.

3 (b) The replacement dwelling is determined to have all of the
4 following characteristics:

5 (1) Is decent, safe, and sanitary.

6 (2) Is suitable to the occupancy needs of the household as
7 provided under regulations of the United States Department of
8 Housing and Urban Development issued pursuant to Section 8 of
9 the United States Housing Act of 1937.

10 (3) Is open to all persons regardless of race, color, religion, sex,
11 or national origin and consistent with requirements of Title VIII
12 of the Civil Rights Act of 1968.

13 (4) Is in an area not generally less desirable than the dwelling
14 to be acquired in regard to public utilities and public and
15 commercial facilities.

16 (5) Is reasonably accessible to the displaced person’s place of
17 employment.

18 (6) Is in an equal or better neighborhood.

19 (7) Is affordable, as defined in subdivision (b) of Section 54236,
20 to the displaced person.

21 (c) The offer is made at an affordable price that is not less than
22 the price paid by the agency for original acquisition of the unit
23 now occupied by the displaced person or the replacement unit,
24 whichever is less, and is not more than market value.

25 (d) The replacement dwelling is a newly constructed or a vacant
26 residential unit. No resident shall be displaced, as defined by
27 Section 7260, for the purpose of creating a replacement unit.

28 SEC. 3. Section 65588 of the Government Code is amended
29 to read:

30 65588. (a) Each local government shall review its housing
31 element as frequently as appropriate to evaluate all of the
32 following:

33 (1) The appropriateness of the housing goals, objectives, and
34 policies in contributing to the attainment of the state housing goal.

35 (2) The effectiveness of the housing element in attainment of
36 the community’s housing goals and objectives.

37 (3) The progress of the city, county, or city and county in
38 implementation of the housing element.

39 (b) The housing element shall be revised as appropriate, but no
40 less often than required by subdivision (e), to reflect the results of

1 this periodic review. Nothing in this section shall be construed to
2 excuse the obligations of the local government to adopt a revised
3 housing element in accordance with the schedule specified in this
4 section.

5 (c) The review and revision of housing elements required by
6 this section shall take into account any low- or moderate-income
7 housing provided or required pursuant to Section 65590.

8 (d) The review pursuant to subdivision (c) shall include, but
9 need not be limited to, the following:

10 (1) The number of new housing units approved for construction
11 within the coastal zone after January 1, 1982.

12 (2) The number of housing units for persons and families of
13 low or moderate income, as defined in Section 50093 of the Health
14 and Safety Code, required to be provided in new housing
15 developments either within the coastal zone or within three miles
16 of the coastal zone pursuant to Section 65590.

17 (3) The number of existing residential dwelling units occupied
18 by persons and families of low or moderate income, as defined in
19 Section 50093 of the Health and Safety Code, that have been
20 authorized to be demolished or converted since January 1, 1982,
21 in the coastal zone.

22 (4) The number of residential dwelling units for persons and
23 families of low or moderate income, as defined in Section 50093
24 of the Health and Safety Code, that have been required for
25 replacement or authorized to be converted or demolished as
26 identified in paragraph (3). The location of the replacement units,
27 either onsite, elsewhere within the locality's jurisdiction within
28 the coastal zone, or within three miles of the coastal zone within
29 the locality's jurisdiction, shall be designated in the review.

30 (e) Each city, county, and city and county shall revise its housing
31 element according to the following schedule:

32 (1) (A) Local governments within the regional jurisdiction of
33 the Southern California Association of Governments: June 30,
34 2006, for the fourth revision.

35 (B) Local governments within the regional jurisdiction of the
36 Association of Bay Area Governments: June 30, 2007, for the
37 fourth revision.

38 (C) Local governments within the regional jurisdiction of the
39 Council of Fresno County Governments, the Kern County Council
40 of Governments, and the Sacramento Area Council of

1 Governments: June 30, 2002, for the third revision, and June 30,
2 2008, for the fourth revision.

3 (D) Local governments within the regional jurisdiction of the
4 Association of Monterey Bay Area Governments: December 31,
5 2002, for the third revision, and June 30, 2009, for the fourth
6 revision.

7 (E) Local governments within the regional jurisdiction of the
8 San Diego Association of Governments: June 30, 2005, for the
9 fourth revision.

10 (F) All other local governments: December 31, 2003, for the
11 third revision, and June 30, 2009, for the fourth revision.

12 (2) (A) All local governments within a metropolitan planning
13 organization in a region classified as nonattainment for one or
14 more pollutants regulated by the federal Clean Air Act (42 U.S.C.
15 Sec. 7506), except those within the regional jurisdiction of the San
16 Diego Association of Governments, shall adopt the fifth revision
17 of the housing element no later than 18 months after adoption of
18 the first regional transportation plan to be adopted after September
19 30, 2010.

20 (B) (i) All local governments within the regional jurisdiction
21 of the San Diego Association of Governments shall adopt the fifth
22 revision of the housing element no later than 18 months after
23 adoption of the first regional transportation plan update to be
24 adopted after September 30, 2010.

25 (ii) Prior to or concurrent with the adoption of the fifth revision
26 of the housing element, each local government within the regional
27 jurisdiction of the San Diego Association of Governments shall
28 identify adequate sites in its inventory pursuant to Section 65583.2
29 or rezone adequate sites to accommodate a prorated portion of its
30 share of the regional housing need for the projection period
31 representing the period from July 1, 2010, to the deadline for
32 housing element adoption described in clause (i).

33 (I) For the fifth revision, a local government within the
34 jurisdiction of the San Diego Association of Governments that has
35 not adopted a housing element for the fourth revision by January
36 1, 2009, shall revise its housing element not less than every four
37 years, beginning on the date described in clause (i), in accordance
38 with paragraph (4), unless the local government does both of the
39 following:

1 (ia) Adopts a housing element for the fourth revision no later
2 than March 31, 2010, which is in substantial compliance with this
3 article.

4 (ib) Completes any rezoning contained in the housing element
5 program for the fourth revision by June 30, 2010.

6 (II) For the sixth and subsequent revisions, a local government
7 within the jurisdiction of the San Diego Association of
8 Governments shall be subject to the dates described in clause (i),
9 in accordance with paragraph (4).

10 (C) All local governments within the regional jurisdiction of a
11 metropolitan planning organization or a regional transportation
12 planning agency that has made an election pursuant to
13 subparagraph (L) of paragraph (2) of subdivision (b) of Section
14 65080 by June 1, 2009, shall adopt the fifth revision of the housing
15 element no later than 18 months after adoption of the first regional
16 transportation plan update following the election.

17 (D) All other local governments shall adopt the fifth revision
18 of the housing element five years after the date specified in
19 paragraph (1).

20 (3) Subsequent revisions of the housing element shall be due
21 as follows:

22 (A) For local governments described in subparagraphs (A), (B),
23 and (C) of paragraph (2), 18 months after adoption of every second
24 regional transportation plan update, provided that the deadline for
25 adoption is no more than eight years later than the deadline for
26 adoption of the previous eight-year housing element.

27 (B) For all other local governments, at five-year intervals after
28 the date specified in subparagraph (D) of paragraph (2).

29 (C) If a metropolitan planning organization or a regional
30 transportation planning agency subject to the five-year revision
31 interval in subparagraph (B) makes an election pursuant to
32 subparagraph (M) of paragraph (2) of subdivision (b) of Section
33 65080 after June 1, 2009, all local governments within the regional
34 jurisdiction of that entity shall adopt the next housing element
35 revision no later than 18 months after adoption of the first regional
36 transportation plan update following the election. Subsequent
37 revisions shall be due 18 months after adoption of every second
38 regional transportation plan update, provided that the deadline for
39 adoption is no more than eight years later than the deadline for
40 adoption of the previous eight-year housing element.

1 (4) (A) A local government that does not adopt a housing
2 element within 120 days of the applicable deadline described in
3 subparagraph (A), (B), or (C) of paragraph (2) or subparagraph
4 (A) or (C) of paragraph (3) shall revise its housing element not
5 less than every four years until the local government has adopted
6 at least two consecutive revisions by the statutory deadline.

7 (B) If necessary, the local government shall adopt three
8 consecutive four-year revisions by the statutory deadline to ensure
9 that when the local government adopts its next housing element
10 covering an eight-year planning period, it does so at the deadline
11 for adoption for other local governments within the region also
12 covering an eight-year planning period.

13 (C) The deadline for adoption of every second four-year revision
14 shall be the same as the deadline for adoption for other local
15 governments within the region.

16 (5) The metropolitan planning organization or a regional
17 transportation planning agency for a region that has an eight-year
18 revision interval pursuant to paragraph (3) shall notify the
19 department and the Department of Transportation in writing of the
20 estimated adoption date for its next regional transportation plan
21 update at least 12 months prior to the estimated adoption date. The
22 Department of Transportation shall maintain and publish on its
23 Internet Web site a current schedule of the estimated regional
24 transportation plan adoption dates. The department shall maintain
25 and publish on its Internet Web site a current schedule of the
26 estimated and actual housing element due dates. Each council of
27 governments shall publish on its Internet Web site the estimated
28 and actual housing element due dates, as published by the
29 department, for the jurisdictions within its region and shall send
30 notice of these dates to interested parties. For purposes of
31 determining the existing and projected need for housing within a
32 region pursuant to Sections 65584 to 65584.08, inclusive, the date
33 of the next scheduled revision of the housing element shall be
34 deemed to be the estimated adoption date of the regional
35 transportation plan update described in the notice provided to the
36 Department of Transportation plus 18 months.

37 (6) The new projection period shall begin on the date of
38 December 31 or June 30 that most closely precedes the end of the
39 previous projection period.

1 (f) For purposes of this article, the following terms have the
2 following meanings:

3 (1) “Planning period” shall be the time period between the due
4 date for one housing element and the due date for the next housing
5 element.

6 (2) “Projection period” shall be the time period for which the
7 regional housing need is calculated.

8 (g) For purposes of this section, “regional transportation plan
9 update” shall mean a regional transportation plan adopted to satisfy
10 the requirements of subdivision (d) of Section 65080.

11 *SEC. 4. Section 17926 of the Health and Safety Code is*
12 *amended to read:*

13 17926. (a) An owner of a dwelling unit intended for human
14 occupancy shall install a carbon monoxide device, approved and
15 listed by the State Fire Marshal pursuant to Section 13263, in each
16 existing dwelling unit having a fossil fuel burning heater or
17 appliance, fireplace, or an attached garage, within the earliest
18 applicable time period as follows:

19 (1) For all existing single-family dwelling units intended for
20 human occupancy on or before July 1, 2011.

21 (2) For all existing hotel and motel dwelling units intended for
22 human occupancy on or before ~~January 1, 2016.~~ *January 1, 2017.*

23 (3) For all other existing dwelling units intended for human
24 occupancy on or before January 1, 2013.

25 (b) With respect to the number and placement of carbon
26 monoxide devices, an owner shall install the devices in a manner
27 consistent with building standards applicable to new construction
28 for the relevant type of occupancy or with the manufacturer’s
29 instructions, if it is technically feasible to do so.

30 (c) (1) Notwithstanding Section 17995, and except as provided
31 in paragraph (2), a violation of this section is an infraction
32 punishable by a maximum fine of two hundred dollars (\$200) for
33 each offense.

34 (2) Notwithstanding paragraph (1), a property owner shall
35 receive a 30-day notice to correct. If an owner receiving notice
36 fails to correct within that time period, the owner may be assessed
37 the fine pursuant to paragraph (2).

38 (d) No transfer of title shall be invalidated on the basis of a
39 failure to comply with this section, and the exclusive remedy for
40 the failure to comply with this section is an award of actual

1 damages not to exceed one hundred dollars (\$100), exclusive of
2 any court costs and attorney’s fees. This subdivision is not intended
3 to affect any duties, rights, or remedies otherwise available at law.

4 (e) A local ordinance requiring carbon monoxide devices may
5 be enacted or amended if the ordinance is consistent with this
6 chapter.

7 (f) On or before ~~July 1, 2014~~, *July 1, 2015*, the department shall
8 submit for adoption and approval pursuant to Chapter 4
9 (commencing with Section 18935) of Part 2.5, building standards
10 for the installation of carbon monoxide detectors in hotel and motel
11 dwelling units intended for human occupancy. In developing these
12 standards, the department shall do both of the following:

13 (1) Convene and consult a stakeholder group that includes
14 members with expertise in multifamily dwellings, lodging,
15 maintenance, and construction.

16 (2) Review and consider the most current national codes and
17 standards available related to the installation of carbon monoxide
18 detection.

19 (g) For purposes of this section and Section 17926.1, “dwelling
20 unit intended for human occupancy” has the same meaning as that
21 term is defined in Section 13262.

22 ~~SEC. 4.~~

23 *SEC. 5.* Section 51505 of the Health and Safety Code is
24 amended to read:

25 51505. (a) In addition to the downpayment assistance program
26 authorized by Section 51504, and notwithstanding any provision
27 of Section 51504 to the contrary, the agency shall provide
28 downpayment assistance from the funds set aside pursuant to
29 subparagraph (D) of paragraph (7) of subdivision (a) of Section
30 53533 for the purposes of the portion of the Extra Credit Teacher
31 Home Purchase Program provided for in subdivision (g) of Section
32 8869.84 of the Government Code and any other school personnel
33 home ownership assistance programs as set forth by the California
34 Debt Limit Allocation Committee, as operated by the agency.
35 Notwithstanding the foregoing, the agency may, but is not required
36 to, provide downpayment assistance pursuant to this section to any
37 local issuer participating in the Extra Credit Teacher Home
38 Purchase Program and any other school personnel home ownership
39 assistance programs as set forth by the California Debt Limit
40 Allocation Committee.

1 (b) (1) Downpayment assistance for purposes of this section
2 shall be subject to, and shall meet the requirements of, the Extra
3 Credit Teacher Home Purchase Program and any other school
4 personnel home ownership programs as set forth by the California
5 Debt Limit Allocation Committee, and shall include, but not be
6 limited to, deferred payment, low interest rate loans.

7 (2) Except as provided in paragraphs (3) and (5), payment of
8 principal and interest is deferred until the time that the home is
9 sold or refinanced.

10 (3) The agency may, in its discretion, permit the downpayment
11 assistance loan to be subordinated to refinancing if it determines
12 that the borrower has demonstrated hardship, subordination is
13 required to avoid foreclosure, and the new loan meets the agency's
14 underwriting requirements. The agency may permit subordination
15 on those terms and conditions as it determines are reasonable, but
16 subordination is not permitted if the borrower has sufficient equity
17 to repay the loan.

18 (4) This downpayment assistance shall meet the requirements
19 of paragraph (3) of, and subparagraph (A) of paragraph (4) of,
20 Section 51504.

21 (5) The amount of the downpayment assistance shall not be due
22 and payable upon sale of the home if the first mortgage loan is
23 insured by the Federal Housing Administration (FHA) or if the
24 first mortgage loan is, or has been, transferred to the FHA, or if
25 the requirement is otherwise contrary to regulations of the United
26 States Department of Housing and Urban Development governing
27 FHA insured first mortgage loans.

28 (c) Loans made pursuant to this section may include a provision
29 whereby interest, principal, or both, of the loan is forgiven upon
30 conditions to be established by the agency, or any other provision
31 designed to carry out the purposes of the Extra Credit Teacher
32 Home Purchase Program and any other school personnel home
33 ownership programs as set forth by the California Debt Limit
34 Allocation Committee.

35 (d) Downpayment assistance pursuant to this section shall not
36 exceed the greater of seven thousand five hundred dollars (\$7,500)
37 or 3 percent of the home sales price. However, the agency may,
38 with the concurrence of the California Debt Limit Allocation
39 Committee, establish higher assistance limits where necessary to

- 1 ensure sufficient assistance to allow program participation in high
- 2 cost areas.

O