An act to amend Section 798.15 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL’S DIGEST

AB 587, as introduced, Chau. Mobilehome park residencies: rental agreements.

The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks and prescribes the content of a rental agreement for a tenancy. The law requires that a copy of the Mobilehome Residency Law be provided as an exhibit and incorporated into the rental agreement by reference.

This bill would make technical, nonsubstantive changes in these provisions.

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

SECTION 1. Section 798.15 of the Civil Code is amended to read:

798.15. The rental agreement shall be in writing and shall contain, in addition to the provisions otherwise required by law to be included, all of the following:

(a) The term of the tenancy and the rent therefor.
(b) The rules and regulations of the park.
(c) A copy of the text of this chapter shall be provided as an exhibit and shall be incorporated into the rental agreement by reference. Management shall do one of the following prior to February 1 of each year, if a significant change was made in this chapter by legislation enacted in the prior year:

(1) Provide all homeowners with a copy of this chapter.

(2) Provide written notice to all homeowners that there has been a change to this chapter and that they may obtain one copy of this chapter from management at no charge. Management shall provide a copy within a reasonable time, not to exceed seven days, upon request.

(d) A provision specifying that (1) it:

(1) It is the responsibility of the management to provide and maintain physical improvements in the common facilities in good working order and condition and (2) with condition.

(2) With respect to a sudden or unforeseeable breakdown or deterioration of these improvements, the management shall have a reasonable period of time to repair the sudden or unforeseeable breakdown or deterioration and bring the improvements into good working order and condition after management knows or should have known of the breakdown or deterioration. For purposes of this subdivision paragraph, a reasonable period of time to repair a sudden or unforeseeable breakdown or deterioration shall be as soon as possible in situations affecting a health or safety condition, and shall not exceed 30 days in any other case except where exigent circumstances justify a delay.

(e) A description of the physical improvements to be provided the homeowner during his or her tenancy.

(f) A provision listing those services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the fees, if any, to be charged for those services.

(g) A provision stating that management may charge a reasonable fee for services relating to the maintenance of the land and premises upon which a mobilehome is situated in the event the homeowner fails to maintain the land or premises in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within 14 days. The written notice shall state the specific condition to be corrected and an estimate of the charges to be imposed by
management if the services are performed by management or its
agent.

(h) All other provisions governing the tenancy.

(i) A copy of the following notice. Management shall also, prior
to February 1 of each year, provide a copy of the following notice
to all homeowners:

IMPORTANT NOTICE TO ALL MANUFACTURED
HOME/MOBILEHOME OWNERS: CALIFORNIA LAW REQUIRES THAT
YOU BE MADE AWARE OF THE FOLLOWING:

The Mobilehome Residency Law (MRL), found in Section 798 et seq. of the
Civil Code, establishes the rights and responsibilities of homeowners and park
management. The MRL is deemed a part of the terms of any park rental
agreement or lease. This notice is intended to provide you with a general
awareness of selected parts of the MRL. It does not serve as a legal explanation
or interpretation. For authoritative information, you must read and understand
the laws. These laws change from time to time. In any year in which the law
has changed, you may obtain one copy of the full text of the law from
management at no charge. This notice is required by Civil Code Section
798.15(i) and the information provided may not be current.

Homeowners and park management have certain rights and responsibilities
under the MRL. These include, but are not limited to:

1. Management must give a homeowner written notice of any increase in
   his or her rent at least 90 days before the date of the increase. (Civil Code
   Section 798.30)

2. No rental or sales agreement may contain a provision by which a purchaser
   or a homeowner waives any of his or her rights under the MRL. (Civil
   Code Sections 798.19, 798.77)

3. Management may not terminate or refuse to renew a homeowner’s tenancy
   except for one or more of the authorized reasons set forth in the MRL.
   (Civil Code Sections 798.55, 798.56)

4. A homeowner must give written notice to the management of not less
   than 60 days before vacating his or her tenancy. (Civil Code Section
   798.59)

5. Homeowners, residents, and their guests must comply with the rental
   agreement or lease, including the reasonable rules and regulations of the
   park and all applicable local ordinances and state laws and regulations
related to mobilehomes. Failure to comply could be grounds for eviction
from the park. (Civil Code Section 798.56)

6. Homeowners must pay rent, utility charges, and reasonable incidental
service charges in a timely manner. Failure to comply could be grounds
for eviction from the park. (Civil Code Section 798.56)

7. Homeowners have a right to peacefully assemble and freely communicate
with respect to mobilehome living and for social or educational purposes.
Homeowners have a right to meet in the park, at reasonable hours and in
a reasonable manner, for any lawful purpose. Homeowners may not be
charged a cleaning deposit in order to use the park clubhouse for meetings
of resident organizations or for other lawful purposes, such as to hear
from political candidates, so long as a homeowner of the park is hosting
the meeting and all park residents are allowed to attend. Homeowners
may not be required to obtain liability insurance in order to use common
facilities unless alcohol is served. (Civil Code Sections 798.50, 798.51)

8. If a home complies with certain standards, the homeowner is entitled to
sell it in place in the park. Management may require certain upgrades.
Management may not require a homeowner to sell his or her home to the
park, may not charge a transfer or selling fee, and may not require a
homeowner to use a broker or dealer approved by the park. A homeowner
has a right to advertise his or her home for sale. Management may deny
approval of a buyer, but only for certain reasons listed in the law. (Civil
Code Sections 798.70-798.74)

9. Management has the right to enter the space upon which a mobilehome
is situated for maintenance of utilities, trees, and driveways; for inspection
and maintenance of the space in accordance with the rules and regulations
of the park when the homeowner or resident fails to maintain the space;
and for protection and maintenance of the mobilehome park at any
reasonable time, but not in a manner or at a time that would interfere with
the resident’s quiet enjoyment of his or her home. (Civil Code Section
798.26)

10. A homeowner may not make any improvements or alterations to his or
her space or home without following the rules and regulations of the park
and all applicable local ordinances and state laws and regulations, which
may include obtaining a permit to construct, and, if required by park rules
or the rental agreement, without prior written approval of management.
Failure to comply could be grounds for eviction from the park. (Civil
Code Section 798.56)