

ASSEMBLY BILL

No. 587

Introduced by Assembly Member Chau

February 24, 2015

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.

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 798.15 of the Civil Code is amended to
2 read:
3 798.15. The rental agreement shall be in writing and shall
4 contain, in addition to the provisions otherwise required by law to
5 be included, all of the following:
6 (a) The term of the tenancy and the rent therefor.
7 (b) The rules and regulations of the park.

1 (c) A copy of the text of this chapter shall be provided as an
2 exhibit and shall be incorporated into the rental agreement by
3 reference. Management shall do one of the following prior to
4 February 1 of each year, if a significant change was made in this
5 chapter by legislation enacted in the prior year:

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

12 (d) A provision specifying ~~that (1) it that:~~
13 (1) *It* is the responsibility of the management to provide and
14 maintain physical improvements in the common facilities in good
15 working order and ~~condition and (2) with condition.~~

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

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

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

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

1 management if the services are performed by management or its
2 agent.

3 (h) All other provisions governing the tenancy.

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

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

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12 The Mobilehome Residency Law (MRL), found in Section 798 et seq. of the
13 Civil Code, establishes the rights and responsibilities of homeowners and park
14 management. The MRL is deemed a part of the terms of any park rental
15 agreement or lease. This notice is intended to provide you with a general
16 awareness of selected parts of the MRL. It does not serve as a legal explanation
17 or interpretation. For authoritative information, you must read and understand
18 the laws. These laws change from time to time. In any year in which the law
19 has changed, you may obtain one copy of the full text of the law from
20 management at no charge. This notice is required by Civil Code Section
21 798.15(i) and the information provided may not be current.

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

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- 26 1. Management must give a homeowner written notice of any increase in
27 his or her rent at least 90 days before the date of the increase. (Civil Code
28 Section 798.30)
- 29 2. No rental or sales agreement may contain a provision by which a purchaser
30 or a homeowner waives any of his or her rights under the MRL. (Civil
31 Code Sections 798.19, 798.77)
- 32 3. Management may not terminate or refuse to renew a homeowner’s tenancy
33 except for one or more of the authorized reasons set forth in the MRL.
34 (Civil Code Sections 798.55, 798.56)
- 35 4. A homeowner must give written notice to the management of not less
36 than 60 days before vacating his or her tenancy. (Civil Code Section
37 798.59)
- 38 5. Homeowners, residents, and their guests must comply with the rental
39 agreement or lease, including the reasonable rules and regulations of the
40 park and all applicable local ordinances and state laws and regulations

- 1 relating to mobilehomes. Failure to comply could be grounds for eviction
- 2 from the park. (Civil Code Section 798.56)
- 3 6. Homeowners must pay rent, utility charges, and reasonable incidental
- 4 service charges in a timely manner. Failure to comply could be grounds
- 5 for eviction from the park. (Civil Code Section 798.56)
- 6 7. Homeowners have a right to peacefully assemble and freely communicate
- 7 with respect to mobilehome living and for social or educational purposes.
- 8 Homeowners have a right to meet in the park, at reasonable hours and in
- 9 a reasonable manner, for any lawful purpose. Homeowners may not be
- 10 charged a cleaning deposit in order to use the park clubhouse for meetings
- 11 of resident organizations or for other lawful purposes, such as to hear
- 12 from political candidates, so long as a homeowner of the park is hosting
- 13 the meeting and all park residents are allowed to attend. Homeowners
- 14 may not be required to obtain liability insurance in order to use common
- 15 facilities unless alcohol is served. (Civil Code Sections 798.50, 798.51)
- 16 8. If a home complies with certain standards, the homeowner is entitled to
- 17 sell it in place in the park. Management may require certain upgrades.
- 18 Management may not require a homeowner to sell his or her home to the
- 19 park, may not charge a transfer or selling fee, and may not require a
- 20 homeowner to use a broker or dealer approved by the park. A homeowner
- 21 has a right to advertise his or her home for sale. Management may deny
- 22 approval of a buyer, but only for certain reasons listed in the law. (Civil
- 23 Code Sections 798.70-798.74)
- 24 9. Management has the right to enter the space upon which a mobilehome
- 25 is situated for maintenance of utilities, trees, and driveways; for inspection
- 26 and maintenance of the space in accordance with the rules and regulations
- 27 of the park when the homeowner or resident fails to maintain the space;
- 28 and for protection and maintenance of the mobilehome park at any
- 29 reasonable time, but not in a manner or at a time that would interfere with
- 30 the resident’s quiet enjoyment of his or her home. (Civil Code Section
- 31 798.26)
- 32 10. A homeowner may not make any improvements or alterations to his or
- 33 her space or home without following the rules and regulations of the park
- 34 and all applicable local ordinances and state laws and regulations, which
- 35 may include obtaining a permit to construct, and, if required by park rules
- 36 or the rental agreement, without prior written approval of management.
- 37 Failure to comply could be grounds for eviction from the park. (Civil
- 38 Code Section 798.56)

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