

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 419

Introduced by Senator McGuire

February 25, 2015

An act to amend Sections 798.70, 798.71, and 798.74 of, and to add Section 798.70.5 to, the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as amended, McGuire. Mobilehomes: homeowners: sale.

The Mobilehome Residency Law governs tenancies in mobilehome parks. The law, among other things, sets forth certain rights and requirements for *the* management and selling homeowners in connection with the sale of a mobilehome, including, but not limited to, authorizing sellers to display signs advertising the sale unless prohibited by park rules, requiring the signs to contain specified information and be of an H-frame or A-frame design, and requiring *the* management, upon request, to provide a prospective homeowner with the information *the* management will use to determine if the person will be acceptable as a homeowner in the park.

This bill would additionally authorize a seller to display ~~a~~ *one* sign of *an L-frame or* a generally accepted yard-arm type design and require *the* management, upon request, to provide the information and standards *the* management will use to review a prospective homeowner to the prospective homeowner or seller in writing. The bill would also *make technical changes and* revise references to a homeowner or other person selling a mobilehome to instead refer to a "seller," as defined.

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 798.70 of the Civil Code is amended to
2 read:

3 798.70. A seller or the agent of a seller may advertise the sale
4 or exchange of his or her mobilehome, or, if not prohibited by the
5 terms of an agreement with the management, may advertise the
6 rental of his or her mobilehome, by displaying ~~a~~ *one* sign in the
7 window of the mobilehome, or by ~~a~~ *one* sign posted on the side
8 of the mobilehome facing the street, or by ~~a~~ *one* sign in front of
9 the mobilehome facing the street, stating that the mobilehome is
10 for sale or exchange or, if not prohibited, for rent by the owner of
11 the mobilehome or his or her agent. Any such person also may
12 display ~~a~~ *one* sign conforming to these requirements indicating
13 that the mobilehome is on display for an “open house.” The sign
14 shall state the name, address, and telephone number of the owner
15 of the mobilehome or his or her agent and the sign face shall not
16 exceed 24 inches in width and 36 inches in height. ~~Signs~~ *A sign*
17 posted in front of a mobilehome pursuant to this section may be
18 of an H-frame ~~or~~, A-frame, *L-frame*, or generally accepted
19 yard-arm type design with the sign face perpendicular to, but not
20 extending into, the street. Sellers may attach to the sign or their
21 mobilehome tubes or holders for leaflets ~~which~~ *that* provide
22 information on the mobilehome for sale, exchange, or rent.

23 SEC. 2. Section 798.70.5 is added to the Civil Code, to read:

24 798.70.5. For purposes of this article, “seller” means a
25 homeowner, an heir, joint tenant, or personal representative of the
26 estate who gains ownership of a manufactured home or
27 mobilehome in the mobilehome park through the death of the
28 owner of the manufactured home or mobilehome who was a
29 homeowner at the time of his or her death.

30 SEC. 3. Section 798.71 of the Civil Code is amended to read:

31 798.71. (a) (1) The management may not show or list for sale
32 a manufactured home or mobilehome without first obtaining the
33 owner’s written authorization. The authorization shall specify the
34 terms and conditions regarding the showing or listing.

35 (2) Management may require that a homeowner advise
36 management in writing that his or her manufactured home or
37 mobilehome is for sale. If management requires that a homeowner
38 advise management in writing that his or her manufactured home

1 or mobilehome is for sale, failure to comply with this requirement
2 does not invalidate a transfer.

3 (b) The management shall prohibit neither the listing nor the
4 sale of a manufactured home or mobilehome within the park by
5 the seller, or the agent of the seller other than the management.
6 For purposes of this section, “listing” includes advertising the
7 address of the home to the general public.

8 (c) The management shall not require the seller to authorize the
9 management or any other specified broker, dealer, or person to act
10 as the agent in the sale of a manufactured home or mobilehome
11 as a condition of resale of the home in the park or of management’s
12 approval of the buyer or prospective homeowner for residency in
13 the park.

14 (d) The management shall not require a homeowner, who is
15 replacing a mobilehome or manufactured home on a space in the
16 park, in which he or she resides, to use a specific broker, dealer,
17 or other person as an agent in the purchase of or installation of the
18 replacement home.

19 (e) Nothing in this section shall be construed as affecting the
20 provisions of the Health and Safety Code governing the licensing
21 of manufactured home or mobilehome salespersons or dealers.

22 SEC. 4. Section 798.74 of the Civil Code is amended to read:

23 798.74. (a) The management may require the right of prior
24 approval of a purchaser of a mobilehome that will remain in the
25 park and that the seller or seller’s agent give notice of the sale to
26 the management before the close of the sale. Approval cannot be
27 withheld if the purchaser has the financial ability to pay the rent
28 and charges of the park unless the management reasonably
29 determines that, based on the purchaser’s prior tenancies, he or
30 she will not comply with the rules and regulations of the park. In
31 determining whether the purchaser has the financial ability to pay
32 the rent and charges of the park, the management shall not require
33 the purchaser to submit copies of any personal income tax returns
34 in order to obtain approval for residency in the park. However,
35 management may require the purchaser to document the amount
36 and source of his or her gross monthly income or means of financial
37 support.

38 Upon request of any seller or ~~any~~ prospective homeowner who
39 proposes to purchase a mobilehome that will remain in the park,
40 management shall inform that person, in writing, of the information

1 management will require and the standards that will be utilized in
2 determining if the person will be acceptable as a homeowner in
3 the park.

4 Within 15 business days of receiving all of the information
5 requested from the prospective homeowner, the management shall
6 notify the seller and the prospective homeowner, in writing, of
7 either acceptance or rejection of the application, and the reason if
8 rejected. During this 15-day period the prospective homeowner
9 shall comply with the management's request, if any, for a personal
10 interview. If the approval of a prospective homeowner is withheld
11 for any reason other than those stated in this article, the
12 management or owner may be held liable for all damages
13 proximately resulting therefrom.

14 (b) If the management collects a fee or charge from a prospective
15 purchaser of a mobilehome in order to obtain a financial report or
16 credit rating, the full amount of the fee or charge shall be credited
17 toward payment of the first month's rent for that mobilehome
18 purchaser. If, for whatever reason, the prospective purchaser is
19 rejected by the management, the management shall refund to the
20 prospective purchaser the full amount of that fee or charge within
21 30 days from the date of rejection. If the prospective purchaser is
22 approved by the management, but, for whatever reason, the
23 prospective purchaser elects not to purchase the mobilehome, the
24 management may retain the fee, or a portion thereof, to defray its
25 administrative costs under this section.

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