

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 944

Introduced by Committee on Transportation and Housing (Senators Beall (Chair), Allen, Bates, Cannella, Gaines, Galgiani, Leyva, McGuire, Mendoza, Roth, and Wieckowski)

February 3, 2016

An act to amend ~~Section 4270~~ Sections 798.56a, 1952.7, 4270, 5300, and 5570 of, ~~and~~ to amend and renumber Section 4750.10 of, and to add Chapter 2.5 (commencing with Section 1954.10) to Title 5 of Part 4 of Division 3 of, the Civil Code, ~~and~~ to amend ~~Section~~ Sections 12955.9 and 65863.10 of the Government Code, and to amend Sections 18080.5, 18935, 50074, and 50784.7 of, to add Section 50104.6.5 to, and to repeal Chapter 4.7 (commencing with Section 50580) of Part 2 of Division 31 of, the Health and Safety Code, relating to ~~housing~~ housing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 944, as amended, Committee on Transportation and Housing. Housing omnibus.

(1) *The Mobilehome Residency Law governs tenancies in mobilehome parks and, among other things, authorizes the management of a mobilehome park, under specified circumstances, to either remove the mobilehome from the premises and place it in storage or store the mobilehome on its site. Existing law provides the management with a warehouse lien for these costs and imposes various duties on the management to enforce this lien, including requiring the management to file a notice of disposal with the Department of Housing and Community Development no less than 10 days after the date of sale to*

enforce the lien against the mobilehome in order to dispose of a mobilehome after a warehouse lien sale, as specified.

This bill would instead require the management to file a notice of disposal with the department no less than 30 days after the date of sale to enforce the lien against the mobilehome.

Existing law also establishes procedures by which the management may dispose of an abandoned mobilehome, including requiring that the management file a notice of disposal with the department, as specified. The Manufactured Housing Act of 1980 requires the department to enforce various laws pertaining to manufactured housing, mobilehomes, park trailers, commercial coaches, special purpose commercial coaches, and recreational vehicles.

This bill would authorize the department to adopt guidelines related to procedures and forms to implement the above-described disposal procedures for mobilehomes after a warehouse lien sale and for abandoned mobilehomes until regulations are adopted by the department to replace those guidelines.

(2) Existing law specifies cause for eviction of participants in transitional housing programs, as defined, and establishes a procedure for evicting program participants for specified serious violations of the program's requirements, rules, or regulations. Existing law authorizes a program operator to seek, on his or her own behalf or on behalf of other participants or persons residing within 100 feet of the program site, a temporary restraining order and an injunction prohibiting abuse or misconduct by the participant, the violation of which is a misdemeanor. Existing law provides procedures for the program operator to exclude the participant from the program site and recover the dwelling unit.

This bill would recast these provisions and repeal identical provisions regarding eviction of participants in transitional housing programs in the Health and Safety Code.

(3) Existing law voids any term in a lease renewed or extended on or after January 1, 2015, that conveys any possessory interest in commercial property that either prohibits or unreasonably restricts, as defined, the installation or use of an electric vehicle charging station in a parking space associated with the commercial property. Existing law defines "electric vehicle charging station" or "charging station" for these purposes as a station designed in compliance with specified provisions of the National Electrical Code that delivers electricity from a source outside an electric vehicle into one or more electric vehicles.

This bill would instead define the term “electric vehicle charging station” or “charging station” by reference to specified provisions of the California Electrical Code.

(1)

(4) The Davis-Stirling Common Interest Development Act, among other things, requires that the declaration, as defined, of a common interest development include certain specified information and allows for amendments to the declaration pursuant to either the declaration or the provisions of the act. Under existing law, an amendment to a declaration is generally effective after certain specified requirements are met, except as provided.

This bill would clarify that the exception from ~~this requirement~~ *those requirements* includes alternative procedures established in other specified provisions of the act for approving, certifying, or recording an amendment.

Existing law also provides that any provision, except for a reasonable restriction, as defined, of a governing document, as defined, of a common interest development is void and unenforceable if it effectively prohibits or unreasonably restricts the use of a clothesline or a drying rack, as defined, in an owner’s backyard.

This bill would make nonsubstantive changes to this provision.

Existing law also requires the association of a common interest development to prepare and distribute to all of its members certain documents, including an annual budget report that includes specified information. In the case of a common interest development that is a condominium project, existing law requires that the annual budget report include a statement describing the status of the common interest development as a condominium project approved by either the Federal Housing Administration or the federal Department of Veterans Affairs, as specified, including whether or not the common interest development is a condominium project.

This bill would delete the requirement that the above-described statement describe whether or not the common interest development is a condominium project.

Existing law also requires the association of a common interest development to distribute to its members an Assessment and Reserve Funding Disclosure Summary form containing specified information, including whether currently projected reserve account balances will be sufficient at the end of each year to meet the association’s obligation for repair or replacement of major components during the next 30 years

and that all major components are included in the reserve study and its calculations. Existing law defines “major component” for these purposes by reference to a specified statute.

This bill would correct an erroneous reference to the statutory definition of “major component” for these purposes.

~~(2)~~

(5) Under the California Fair Employment and Housing Act, the owner of a housing accommodation is prohibited from discriminating against or harassing any person on the basis of certain personal characteristics, including familial status. The act provides that its provisions relating to discrimination based on familial status do not apply to housing for older persons, defined to include, among others, mobilehome parks that meet the standards for “housing for older persons” contained in the federal Fair Housing Amendments Act of 1988.

This bill would instead require, for this purpose, mobilehome parks to meet the standards for “housing for older persons” contained in the federal Fair Housing Act, as amended by Public Law 104–76.

(6) *A provision of the Planning and Zoning Law requires an owner of an assisted housing development proposing the termination of a subsidy contract or prepayment of governmental assistance or of an assisted housing development in which there will be the expiration of rental restrictions to provide a notice of the proposed change to each affected tenant household residing in the assisted housing development, as specified. For the purposes of this requirement, existing law defines “assisted housing development” to mean a multifamily rental housing development that receives governmental assistance under specified programs, including tax-exempt private activity mortgage revenue bonds pursuant to a specified federal statute.*

This bill would provide that “assisted housing development” includes a development receiving assistance from tax-exempt private activity mortgage revenue bonds pursuant to the predecessors of that specified federal statute.

(7) *The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. Existing law requires an adopting agency to submit the notice and initial statement of reasons for proposed building standards to the commission. If, after review, the commission*

determines that the notice and initial statement of reasons comply with the Administrative Procedures Act, existing law requires that the commission submit those documents to the Office of Administrative Law for the sole purpose of inclusion in the California Regulatory Notice Register.

This bill would instead require that the commission submit only the notice to the Office of Administrative Law.

(8) Existing law defines the term “housing sponsor” for the purpose of various housing and home finance programs administered by the Department of Housing and Community Development to include various entities, including the duly constituted governing body of an Indian reservation or rancheria, certified by the California Housing Finance Agency as qualified to either own, construct, acquire or rehabilitate a housing development and subject to the regulatory powers of the agency, as specified.

This bill would expand the definition of “housing sponsor” to include a tribally designated housing entity. The bill would define “tribally designated housing entity” by reference to a specified provision of the federal Native American Housing Assistance and Self-Determination Act of 1996.

(9) Existing law authorizes the Department of Housing and Community Development to make loans from the Mobilehome Park Rehabilitation and Purchase Fund, a continuously appropriated fund, to, among other things, make loans to resident organizations or qualified nonprofit sponsors for the purpose of assisting lower income households in making needed repairs or accessibility-related upgrades to their mobilehomes, if specified criteria are met.

This bill would additionally authorize loans to these entities to assist lower income households in replacing their mobilehomes. By authorizing the expenditure of moneys in a continuously appropriated fund for a new purpose, this bill would make an appropriation.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 798.56a of the Civil Code is amended to
2 read:

3 798.56a. (a) Within 60 days after receipt of, or no later than
4 65 days after the mailing of, the notice of termination of tenancy

1 pursuant to any reason provided in Section 798.56, the legal owner,
2 if any, and each junior lienholder, if any, shall notify the
3 management in writing of at least one of the following:

4 (1) Its offer to sell the obligation secured by the mobilehome
5 to the management for the amount specified in its written offer.
6 In that event, the management shall have 15 days following receipt
7 of the offer to accept or reject the offer in writing. If the offer is
8 rejected, the person or entity that made the offer shall have 10 days
9 in which to exercise one of the other options contained in this
10 section and shall notify management in writing of its choice.

11 (2) Its intention to foreclose on its security interest in the
12 mobilehome.

13 (3) Its request that the management pursue the termination of
14 tenancy against the homeowner and its offer to reimburse
15 management for the reasonable attorney's fees and court costs
16 incurred by the management in that action. If this request and offer
17 are made, the legal owner, if any, or junior lienholder, if any, shall
18 reimburse the management the amount of reasonable attorney's
19 fees and court costs, as agreed upon by the management and the
20 legal owner or junior lienholder, incurred by the management in
21 an action to terminate the homeowner's tenancy, on or before the
22 earlier of (A) the 60th calendar day following receipt of written
23 notice from the management of the aggregate amount of those
24 reasonable attorney's fees and costs or (B) the date the mobilehome
25 is resold.

26 (b) A legal owner, if any, or junior lienholder, if any, may sell
27 the mobilehome within the park to a third party and keep the
28 mobilehome on the site within the mobilehome park until it is
29 resold only if all of the following requirements are met:

30 (1) The legal owner, if any, or junior lienholder, if any, notifies
31 management in writing of the intention to exercise either option
32 described in paragraph (2) or (3) of subdivision (a) within 60 days
33 following receipt of, or no later than 65 days after the mailing of,
34 the notice of termination of tenancy and satisfies all of the
35 responsibilities and liabilities of the homeowner owing to the
36 management for the 90 days preceding the mailing of the notice
37 of termination of tenancy and then continues to satisfy these
38 responsibilities and liabilities as they accrue from the date of the
39 mailing of that notice until the date the mobilehome is resold.

1 (2) Within 60 days following receipt of, or no later than 65 days
2 after the mailing of, the notice of termination of tenancy, the legal
3 owner or junior lienholder commences all repairs and necessary
4 corrective actions so that the mobilehome complies with park rules
5 and regulations in existence at the time the notice of termination
6 of tenancy was given as well as the health and safety standards
7 specified in Sections 18550, 18552, and 18605 of the Health and
8 Safety Code, and completes these repairs and corrective actions
9 within 90 calendar days of that notice, or before the date that the
10 mobilehome is sold, whichever is earlier.

11 (3) The legal owner, if any, or junior lienholder, if any, complies
12 with the requirements of Article 7 (commencing with Section
13 798.70) as it relates to the transfer of the mobilehome to a third
14 party.

15 (c) For purposes of subdivision (b), the “homeowner’s
16 responsibilities and liabilities” means all rents, utilities, reasonable
17 maintenance charges of the mobilehome and its premises, and
18 reasonable maintenance of the mobilehome and its premises
19 pursuant to existing park rules and regulations.

20 (d) If the homeowner files for bankruptcy, the periods set forth
21 in this section are tolled until the mobilehome is released from
22 bankruptcy.

23 (e) (1) Notwithstanding any other provision of law, including,
24 but not limited to, Section 18099.5 of the Health and Safety Code,
25 if neither the legal owner nor a junior lienholder notifies the
26 management of its decision pursuant to subdivision (a) within the
27 period allowed, or performs as agreed within 30 days, or if a
28 registered owner of a mobilehome, that is not encumbered by a
29 lien held by a legal owner or a junior lienholder, fails to comply
30 with a notice of termination and is either legally evicted or vacates
31 the premises, the management may either remove the mobilehome
32 from the premises and place it in storage or store it on its site. In
33 this case, notwithstanding any other provision of law, the
34 management shall have a warehouse lien in accordance with
35 Section 7209 of the Commercial Code against the mobilehome for
36 the costs of dismantling and moving, if appropriate, as well as
37 storage, that shall be superior to all other liens, except the lien
38 provided for in Section 18116.1 of the Health and Safety Code,
39 and may enforce the lien pursuant to Section 7210 of the
40 Commercial Code either after the date of judgment in an unlawful

1 detainer action or after the date the mobilehome is physically
2 vacated by the resident, whichever occurs earlier. Upon completion
3 of any sale to enforce the warehouse lien in accordance with
4 Section 7210 of the Commercial Code, the management shall
5 provide the purchaser at the sale with evidence of the sale, as shall
6 be specified by the Department of Housing and Community
7 Development, that shall, upon proper request by the purchaser of
8 the mobilehome, register title to the mobilehome to this purchaser,
9 whether or not there existed a legal owner or junior lienholder on
10 this title to the mobilehome.

11 (2) (A) Notwithstanding any other law, if the management of
12 a mobilehome park acquires a mobilehome after enforcing the
13 warehouse lien and files a notice of disposal pursuant to
14 subparagraph (B) with the Department of Housing and Community
15 Development to designate the mobilehome for disposal,
16 management or any other person enforcing this warehouse lien
17 shall not be required to pay past or current vehicle license fees
18 required by Section 18115 of the Health and Safety Code or obtain
19 a tax clearance certificate, as set forth in Section 5832 of the
20 Revenue and Taxation Code, provided that management notifies
21 the county tax collector in the county in which the mobilehome is
22 located of management's intent to apply to have the mobilehome
23 designated for disposal after a warehouse lien sale. The written
24 notice shall be sent to the county tax collector no less than 10 days
25 after the date of the sale to enforce the lien against the mobilehome
26 by first class mail, postage prepaid.

27 (B) (i) In order to dispose of a mobilehome after a warehouse
28 lien sale, the management shall file a notice of disposal with the
29 Department of Housing and Community Development in the form
30 and manner as prescribed by the department, no less than ~~10~~ 30
31 days after the date of sale to enforce the lien against the
32 mobilehome.

33 (ii) After filing a notice of disposal pursuant to clause (i), the
34 management may dispose of the mobilehome after obtaining the
35 information required by applicable laws.

36 (C) (i) Within 30 days of the date of the disposal of the
37 mobilehome, the management shall submit to the Department of
38 Housing and Community Development all of the following
39 information required for completing the disposal process:

1 (I) Photographs identifying and demonstrating that the
2 mobilehome was uninhabitable by the removal or destruction of
3 all appliances and fixtures such as ovens, stoves, bathroom fixtures,
4 and heating or cooling appliances prior to its being moved.

5 (II) A statement of facts as to the condition of the mobilehome
6 when moved, the date it was moved, and the anticipated site of
7 further dismantling or disposal.

8 (III) The name, address, and license number of the person or
9 entity removing the mobilehome from the mobilehome park.

10 (ii) The information required pursuant to clause (i) shall be
11 submitted under penalty of perjury.

12 (D) For purposes of this paragraph, “dispose” or “disposal”
13 shall mean the removal and destruction of an abandoned
14 mobilehome from a mobilehome park, thus making it unusable
15 for any purpose and not subject to, or eligible for, use in the future
16 as a mobilehome.

17 (f) All written notices required by this section, except the notice
18 in paragraph (2) of subdivision (e), shall be sent to the other party
19 by certified or registered mail with return receipt requested.

20 (g) Satisfaction, pursuant to this section, of the homeowner’s
21 accrued or accruing responsibilities and liabilities shall not cure
22 the default of the homeowner.

23 *SEC. 2. Chapter 2.5 (commencing with Section 1954.10) is*
24 *added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:*

25
26 *CHAPTER 2.5. TRANSITIONAL HOUSING PARTICIPANT*
27 *MISCONDUCT*

28
29 *Article 1. General Provisions and Definitions*

30
31 *1954.10. This chapter shall be known and may be cited as the*
32 *Transitional Housing Participant Misconduct Act.*

33 *1954.11. In enacting this chapter, it is the intent of the*
34 *Legislature to prevent the recurrence of acts of substantial*
35 *disruption or violence by participants in transitional housing*
36 *programs against other such participants, program staff, or*
37 *immediate neighbors of the participants.*

38 *1954.12. The following definitions shall govern the construction*
39 *of this chapter:*

1 (a) “Abuse” means intentionally or recklessly causing or
2 attempting to cause bodily injury, or sexual assault or placing
3 another person in reasonable apprehension of imminent serious
4 bodily injury to himself, herself, or another, where the injured
5 person is another participant, program operator’s staff or a person
6 residing within 100 feet of the program site.

7 (b) “Homeless person” means an individual or family who,
8 prior to participation in a transitional housing program, either
9 lacked a fixed, regular, and adequate nighttime residence or had
10 a primary nighttime residence, that was one of the following:

11 (1) A supervised publicly or privately operated shelter designed
12 to provide temporary living accommodations, including, but not
13 limited to, welfare hotels, congregate shelters and transitional
14 housing for the mentally ill.

15 (2) An institution that provides a temporary residence for
16 individuals intended to be institutionalized.

17 (3) A public or private place not designed for, or ordinarily
18 used as, a regular sleeping accommodation for human beings.

19 (c) “Participant” means a homeless person under contract with
20 a program operator to participate in a transitional housing
21 program and to use a dwelling unit in the program site. For the
22 purposes of naming a defendant under this part, or a person to be
23 protected under this part, “participant” shall include a person
24 living with a participant at the program site. The contract shall
25 specifically include the transitional housing program rules and
26 regulations, a statement of the program operator’s right of control
27 over and access to the program unit occupied by the participant,
28 and a restatement of the requirements and procedures of this
29 chapter.

30 (d) “Program misconduct” means any intentional violation of
31 the transitional housing program rules and regulations which (1)
32 substantially interferes with the orderly operation of the
33 transitional housing program, and (2) relates to drunkenness on
34 the program site, unlawful use or sale of controlled substances,
35 theft, arson, or destruction of the property of the program operator,
36 persons living within 100 feet of the program site, program
37 employees, or other participants, or (3) relates to violence or
38 threats of violence, and harassment of persons living within 100
39 feet of the program site, program employees, or of other
40 participants.

1 (e) “Program operator” means a governmental agency, or
 2 private nonprofit corporation receiving any portion of its
 3 transitional housing program funds from a governmental agency,
 4 which is operating a transitional housing program. “Program
 5 operator” also includes any other manager or operator hired by
 6 a governmental agency or nonprofit corporation to operate its
 7 transitional housing program.

8 (f) “Program site” means the real property containing a
 9 dwelling unit, the use of which is granted to a participant, and
 10 other locations where program activities or services are carried
 11 out or provided, subject to the participant’s compliance with the
 12 transitional housing program rules and regulations.

13 (g) “Transitional housing program” means any program which
 14 is designed to assist homeless persons in obtaining skills necessary
 15 for independent living in permanent housing and which has all of
 16 the following components:

17 (1) Comprehensive social service programs which include
 18 regular individualized case management services and which may
 19 include alcohol and drug abuse counseling, self-improvement
 20 education, employment and training assistance services, and
 21 independent living skills development.

22 (2) Use of a program unit as a temporary housing unit in a
 23 structured living environment which use is conditioned upon
 24 compliance with the transitional housing program rules and
 25 regulations.

26 (3) A rule or regulation which specifies an occupancy period
 27 of not less than 30 days, but not more than 24 months.

28

29 *Article 2. Temporary Restraining Order and Injunction*

30

31 1954.13. (a) The program operator may seek, on its own
 32 behalf or on behalf of other participants, project employees, or
 33 persons residing within 100 feet of the program site, a temporary
 34 restraining order and an injunction prohibiting abuse or program
 35 misconduct as provided in this chapter. A program operator may
 36 not seek a temporary restraining order, pursuant to this section,
 37 against a participant after the participant has been under contract
 38 with the program operator for at least six months or longer, except
 39 when an action is pending against the participant or a temporary
 40 restraining order is in effect and subject to further orders. Nothing

1 *in this section shall be construed to authorize a person residing*
2 *within 100 feet of the program site to seek a temporary restraining*
3 *order or injunction under this chapter.*

4 *(b) Upon filing a petition for an injunction under this chapter,*
5 *the program operator may obtain a temporary restraining order*
6 *in accordance with the provisions of this section. No temporary*
7 *restraining order shall be issued without notice to the opposite*
8 *party, unless it shall appear from the facts shown by the affidavit*
9 *that great or irreparable harm would result to the program*
10 *operator, a program participant, or an individual residing within*
11 *100 feet of the program site before the matter can be heard on*
12 *notice. The program operator or the program operator's attorney*
13 *shall state in an affidavit to the court (1) that within a reasonable*
14 *time prior to the application for a temporary restraining order he*
15 *or she informed the opposing party or his or her attorney at what*
16 *time and where the application would be made, (2) that he or she*
17 *in good faith attempted to so inform the opposing party and his*
18 *or her attorney but was unable to so inform the opposing attorney*
19 *or his or her party, specifying the efforts made to contact them, or*
20 *(3) that for reasons specified he or she should not be required to*
21 *inform the opposing party or his or her attorney.*

22 *A temporary restraining order may be granted upon an affidavit*
23 *which, to the satisfaction of the court, shows reasonable proof of*
24 *program misconduct or abuse by the participant, and that great*
25 *or irreparable harm would result. A temporary restraining order*
26 *granted under this section shall remain in effect, at the court's*
27 *discretion, for a period not to exceed five days, unless otherwise*
28 *modified, extended, or terminated by the court.*

29 *(c) The matter shall be made returnable on an order requiring*
30 *cause to be shown why the injunction should not be granted, not*
31 *later than five days from the date of the order. When the matter*
32 *comes up for hearing, the party who obtained the temporary*
33 *restraining order shall be ready to proceed and shall have*
34 *personally served upon the opposite party at least two days prior*
35 *to the hearing, a copy of the petition, a copy of the temporary*
36 *restraining order, if any, the notice of hearing, copies of all*
37 *affidavits to be used in the application, and a copy of any points*
38 *and authorities in support of the petition. If the party who obtained*
39 *the temporary restraining order is not ready, or if he or she fails*
40 *to serve a copy of his or her petition, affidavits, and points and*

1 *authorities, as herein required, the court shall dissolve the*
2 *temporary restraining order. The court may, upon the filing of an*
3 *affidavit by the program operator or his or her attorney, that the*
4 *participant could not be served on time, reissue any temporary*
5 *restraining order previously issued pursuant to this section and*
6 *dissolved by the court for failure to serve the participant. An order*
7 *reissued under this section shall state on its face the new date of*
8 *expiration of the order. No fees shall be charged for the reissuance*
9 *of any order under this section. The participant shall be entitled*
10 *to a continuance, provided that the request is made on or before*
11 *the hearing date and the hearing shall be set for a date within 15*
12 *days of the application, unless the participant requests a later*
13 *date. The court may extend, or modify and extend, any temporary*
14 *restraining order until the date and time upon which the hearing*
15 *is held. The participant may file a response which explains,*
16 *excuses, justifies, or denies the alleged conduct. No fee shall be*
17 *charged for the filing of a response. At the hearing, the judge shall*
18 *receive any testimony or evidence that is relevant, and may make*
19 *an independent inquiry. If the judge finds by clear and convincing*
20 *evidence that program misconduct or abuse exists, an injunction*
21 *shall issue prohibiting that conduct. An injunction issued pursuant*
22 *to this section shall have a duration of not more than one year. At*
23 *any time within the three months before the expiration of the*
24 *injunction, the program operator may apply for renewal of the*
25 *injunction by filing a new petition for an injunction under this*
26 *section.*

27 *(d) In addition to orders restraining abuse, the court may, upon*
28 *clear and convincing evidence of abuse, issue an order excluding*
29 *the participant from the program site, or restraining the participant*
30 *from coming within 200 feet of the program site, upon an affidavit*
31 *which, to the satisfaction of the court, shows clear and convincing*
32 *evidence of abuse of a project employee, another participant, or*
33 *a person who resides within 100 feet of the program site, by the*
34 *participant and that great or irreparable injury would result to*
35 *one of these individuals if the order is not issued. An order*
36 *excluding the participant from the program site may be included*
37 *in the temporary restraining order only in an emergency where it*
38 *is necessary to protect another participant, a project employee,*
39 *or an individual who lives within 100 feet of the project site from*
40 *imminent serious bodily injury.*

1 (e) *Nothing in this chapter shall preclude either party from*
2 *representation by private counsel or from appearing on his or her*
3 *own behalf.*

4 (f) *The notice of hearing specified in subdivision (c) shall*
5 *contain on its face the name and phone number of an office funded*
6 *by the federal Legal Services Corporation which provides legal*
7 *services to low income persons in the county in which the action*
8 *is filed. The notice shall indicate that this number may be called*
9 *for legal advice concerning the filing of a response to the petition.*

10 (g) *Nothing in this chapter shall preclude the program*
11 *operator’s right to utilize other existing civil remedies. An order*
12 *issued under this section shall not affect the rights of anyone not*
13 *named in the order.*

14 1954.14. (a) *The clerk shall transmit a copy of each temporary*
15 *restraining order or injunction or modification or termination*
16 *thereof, granted under this chapter, by the close of the business*
17 *day on which the order was granted, to the law enforcement*
18 *agencies having jurisdiction over the program site. Each law*
19 *enforcement agency may make available information as to the*
20 *existence and current status of these orders to law enforcement*
21 *officers responding to the scene of reported abuse or program*
22 *misconduct.*

23 (b) *Any willful disobedience of any temporary restraining order*
24 *or injunction granted under this section shall be a misdemeanor*
25 *pursuant to Section 166 of the Penal Code.*

26 (c) *If a participant is found in contempt of a court order issued*
27 *pursuant to this section, the court may, in addition to any other*
28 *punishment, modify the order to exclude the participant from the*
29 *program site.*

30 1954.15. *If a participant has violated an order issued under*
31 *Section 1954.13, the participant shall be considered to have failed*
32 *to perform the conditions of the agreement under which the*
33 *property is held as provided in subsection 3 of Section 1161 of the*
34 *Code of Civil Procedure, which conditions cannot afterward be*
35 *performed.*

36 1954.16. *The Judicial Council shall promulgate forms and*
37 *related instructions to implement the procedures required by this*
38 *chapter. The petition and response forms shall be simple and*
39 *concise.*

Article 3. *Recovery of Dwelling*

1
2
3 1954.17. *If, after hearing pursuant to this chapter, an order*
4 *excluding the participant from the program site is issued, the*
5 *program operator may, without further notice, take possession of*
6 *the participant's dwelling unit on the program site. The program*
7 *operator shall have the same rights to the dwelling unit as if it had*
8 *been recovered after abandonment in accordance with Section*
9 *1951.3 and without objection of the participant. If other*
10 *participants, including the defendant participant's family members,*
11 *reside in the dwelling unit, the abandonment shall be deemed only*
12 *to affect the rights of the individual or individuals against whom*
13 *the order was issued.*

14 1954.18. *If the program operator takes possession of the*
15 *property, pursuant to this article, the program operator shall give*
16 *the subject participant a reasonable opportunity to remove the*
17 *participant's property from his or her dwelling unit on the program*
18 *site, and, thereafter, the program operator may consider the*
19 *remaining subject participant's property to be abandoned property*
20 *pursuant to Chapter 5 (commencing with Section 1980).*

21 SEC. 3. *Section 1952.7 of the Civil Code is amended to read:*

22 1952.7. (a) (1) Any term in a lease that is executed, renewed,
23 or extended on or after January 1, 2015, that conveys any
24 possessory interest in commercial property that either prohibits or
25 unreasonably restricts the installation or use of an electric vehicle
26 charging station in a parking space associated with the commercial
27 property, or that is otherwise in conflict with the provisions of this
28 section, is void and unenforceable.

29 (2) This subdivision does not apply to provisions that impose
30 reasonable restrictions on the installation of electric vehicle
31 charging stations. However, it is the policy of the state to promote,
32 encourage, and remove obstacles to the use of electric vehicle
33 charging stations.

34 (3) This subdivision shall not grant the holder of a possessory
35 interest under the lease described in paragraph (1) the right to
36 install electric vehicle charging stations in more parking spaces
37 than are allotted to the leaseholder in his or her lease, or, if no
38 parking spaces are allotted, a number of parking spaces determined
39 by multiplying the total number of parking spaces located at the
40 commercial property by a fraction, the denominator of which is

1 the total rentable square feet at the property, and the numerator of
2 which is the number of total square feet rented by the leaseholder.

3 (4) If the installation of an electric vehicle charging station has
4 the effect of granting the leaseholder a reserved parking space and
5 a reserved parking space is not allotted to the leaseholder in the
6 lease, the owner of the commercial property may charge a
7 reasonable monthly rental amount for the parking space.

8 (b) This section shall not apply to any of the following:

9 (1) A commercial property where charging stations already exist
10 for use by tenants in a ratio that is equal to or greater than two
11 available parking spaces for every 100 parking spaces at the
12 commercial property.

13 (2) A commercial property where there are less than 50 parking
14 spaces.

15 (c) For purposes of this section:

16 (1) “Electric vehicle charging station” or “charging station”
17 means a station that is designed in compliance with Article 625 of
18 the ~~National Electrical Code~~, *California Electrical Code*, as it
19 reads on the effective date of this section, and delivers electricity
20 from a source outside an electric vehicle into one or more electric
21 vehicles.

22 (2) “Reasonable costs” includes, but is not limited to, costs
23 associated with those items specified in the “Permitting Checklist”
24 of the “Zero-Emission Vehicles in California: Community
25 Readiness Guidebook” published by the Office of Planning and
26 Research.

27 (3) “Reasonable restrictions” or “reasonable standards” are
28 restrictions or standards that do not significantly increase the cost
29 of the electric vehicle charging station or its installation or
30 significantly decrease the charging station’s efficiency or specified
31 performance.

32 (d) An electric vehicle charging station shall meet applicable
33 health and safety standards and requirements imposed by state and
34 local authorities as well as all other applicable zoning, land use,
35 or other ordinances, or land use permit requirements.

36 (e) If lessor approval is required for the installation or use of an
37 electric vehicle charging station, the application for approval shall
38 not be willfully avoided or delayed. The approval or denial of an
39 application shall be in writing.

1 (f) An electric vehicle charging station installed by a lessee shall
2 satisfy the following provisions:

3 (1) If lessor approval is required, the lessee first shall obtain
4 approval from the lessor to install the electric vehicle charging
5 station and the lessor shall approve the installation if the lessee
6 complies with the applicable provisions of the lease consistent
7 with the provisions of this section and agrees in writing to do all
8 of the following:

9 (A) Comply with the lessor's reasonable standards for the
10 installation of the charging station.

11 (B) Engage a licensed contractor to install the charging station.

12 (C) Within 14 days of approval, provide a certificate of
13 insurance that names the lessor as an additional insured under the
14 lessee's insurance policy in the amount set forth in paragraph (3).

15 (2) The lessee shall be responsible for all of the following:

16 (A) Costs for damage to property and the charging station
17 resulting from the installation, maintenance, repair, removal, or
18 replacement of the charging station.

19 (B) Costs for the maintenance, repair, and replacement of the
20 charging station.

21 (C) The cost of electricity associated with the charging station.

22 (3) The lessee at all times, shall maintain a lessee liability
23 coverage policy in the amount of one million dollars (\$1,000,000),
24 and shall name the lessor as a named additional insured under the
25 policy with a right to notice of cancellation and property insurance
26 covering any damage or destruction caused by the charging station,
27 naming the lessor as its interests may appear.

28 (g) A lessor may, in its sole discretion, create a new parking
29 space where one did not previously exist to facilitate the installation
30 of an electric vehicle charging station, in compliance with all
31 applicable laws.

32 (h) Any installation by a lessor or a lessee of an electric vehicle
33 charging station in a common interest development is also subject
34 to all of the requirements of subdivision (f) of Section 4745 of the
35 Civil Code.

36 **SECTION 1.**

37 *SEC. 4.* Section 4270 of the Civil Code is amended to read:

38 4270. (a) A declaration may be amended pursuant to the
39 declaration or this act. Except where an alternative process for
40 approving, certifying, or recording an amendment is provided in

1 Section 4225, 4230, 4235, or 4275, an amendment is effective
2 after all of the following requirements have been met:

3 (1) The amendment has been approved by the percentage of
4 members required by the declaration and any other person whose
5 approval is required by the declaration.

6 (2) That fact has been certified in a writing executed and
7 acknowledged by the officer designated in the declaration or by
8 the association for that purpose, or if no one is designated, by the
9 president of the association.

10 (3) The amendment has been recorded in each county in which
11 a portion of the common interest development is located.

12 (b) If the declaration does not specify the percentage of members
13 who must approve an amendment of the declaration, an amendment
14 may be approved by a majority of all members, pursuant to Section
15 4065.

16 ~~SEC. 2.~~

17 *SEC. 5.* Section 4750.10 of the Civil Code is amended and
18 renumbered to read:

19 4753. (a) For the purposes of this section, “clothesline”
20 includes a cord, rope, or wire from which laundered items may be
21 hung to dry or air. A balcony, railing, awning, or other part of a
22 structure or building shall not qualify as a clothesline.

23 (b) For the purposes of this section, “drying rack” means an
24 apparatus from which laundered items may be hung to dry or air.
25 A balcony, railing, awning, or other part of a structure or building
26 shall not qualify as a drying rack.

27 (c) Any provision of a governing document, as defined in
28 Section 4150, shall be void and unenforceable if it effectively
29 prohibits or unreasonably restricts an owner’s ability to use a
30 clothesline or drying rack in the owner’s backyard.

31 (d) (1) This section does not apply to provisions that impose
32 reasonable restrictions on an owner’s backyard for the use of a
33 clothesline or drying rack.

34 (2) For purposes of this section, “reasonable restrictions” are
35 restrictions that do not significantly increase the cost of using a
36 clothesline or drying rack.

37 (3) This section applies only to backyards that are designated
38 for the exclusive use of the owner.

1 (e) Nothing in this section shall prohibit an association from
2 establishing and enforcing reasonable rules governing clotheslines
3 or drying racks.

4 *SEC. 6. Section 5300 of the Civil Code, as added by Section 2*
5 *of Chapter 184 of the Statutes of 2015, is amended to read:*

6 5300. (a) Notwithstanding a contrary provision in the
7 governing documents, an association shall distribute an annual
8 budget report 30 to 90 days before the end of its fiscal year.

9 (b) Unless the governing documents impose more stringent
10 standards, the annual budget report shall include all of the
11 following information:

12 (1) A pro forma operating budget, showing the estimated
13 revenue and expenses on an accrual basis.

14 (2) A summary of the association's reserves, prepared pursuant
15 to Section 5565.

16 (3) A summary of the reserve funding plan adopted by the board,
17 as specified in paragraph (5) of subdivision (b) of Section 5550.
18 The summary shall include notice to members that the full reserve
19 study plan is available upon request, and the association shall
20 provide the full reserve plan to any member upon request.

21 (4) A statement as to whether the board has determined to defer
22 or not undertake repairs or replacement of any major component
23 with a remaining life of 30 years or less, including a justification
24 for the deferral or decision not to undertake the repairs or
25 replacement.

26 (5) A statement as to whether the board, consistent with the
27 reserve funding plan adopted pursuant to Section 5560, has
28 determined or anticipates that the levy of one or more special
29 assessments will be required to repair, replace, or restore any major
30 component or to provide adequate reserves therefor. If so, the
31 statement shall also set out the estimated amount, commencement
32 date, and duration of the assessment.

33 (6) A statement as to the mechanism or mechanisms by which
34 the board will fund reserves to repair or replace major components,
35 including assessments, borrowing, use of other assets, deferral of
36 selected replacements or repairs, or alternative mechanisms.

37 (7) A general statement addressing the procedures used for the
38 calculation and establishment of those reserves to defray the future
39 repair, replacement, or additions to those major components that
40 the association is obligated to maintain. The statement shall

1 include, but need not be limited to, reserve calculations made using
2 the formula described in paragraph (4) of subdivision (b) of Section
3 5570, and may not assume a rate of return on cash reserves in
4 excess of 2 percent above the discount rate published by the Federal
5 Reserve Bank of San Francisco at the time the calculation was
6 made.

7 (8) A statement as to whether the association has any outstanding
8 loans with an original term of more than one year, including the
9 payee, interest rate, amount outstanding, annual payment, and
10 when the loan is scheduled to be retired.

11 (9) A summary of the association’s property, general liability,
12 earthquake, flood, and fidelity insurance policies. For each policy,
13 the summary shall include the name of the insurer, the type of
14 insurance, the policy limit, and the amount of the deductible, if
15 any. To the extent that any of the required information is specified
16 in the insurance policy declaration page, the association may meet
17 its obligation to disclose that information by making copies of that
18 page and distributing it with the annual budget report. The
19 summary distributed pursuant to this paragraph shall contain, in
20 at least 10-point boldface type, the following statement:

21
22 “This summary of the association’s policies of insurance provides
23 only certain information, as required by Section 5300 of the Civil
24 Code, and should not be considered a substitute for the complete
25 policy terms and conditions contained in the actual policies of
26 insurance. Any association member may, upon request and
27 provision of reasonable notice, review the association’s insurance
28 policies and, upon request and payment of reasonable duplication
29 charges, obtain copies of those policies. Although the association
30 maintains the policies of insurance specified in this summary, the
31 association’s policies of insurance may not cover your property,
32 including personal property or real property improvements to or
33 around your dwelling, or personal injuries or other losses that occur
34 within or around your dwelling. Even if a loss is covered, you may
35 nevertheless be responsible for paying all or a portion of any
36 deductible that applies. Association members should consult with
37 their individual insurance broker or agent for appropriate additional
38 coverage.”
39

1 (10) When the common interest development is a condominium
2 project, a statement describing the status of the common interest
3 development as a Federal Housing Administration (FHA)-approved
4 condominium project pursuant to FHA guidelines, including
5 whether the common interest development is an FHA-approved
6 condominium project. The statement shall be in at least 10-point
7 font on a separate piece of paper and in the following form:

8
9 “Certification by the Federal Housing Administration may
10 provide benefits to members of an association, including an
11 improvement in an owner’s ability to refinance a mortgage or
12 obtain secondary financing and an increase in the pool of potential
13 buyers of the separate interest.

14 ~~This common interest development [is/is not (circle one)] a~~
15 ~~condominium project. The~~

16 *The* association of this common interest development [is/is not
17 (circle one)] certified by the Federal Housing Administration.”

18
19 (11) When the common interest development is a condominium
20 project, a statement describing the status of the common interest
21 development as a federal Department of Veterans Affairs
22 (VA)-approved condominium project pursuant to VA guidelines,
23 including whether the common interest development is a
24 VA-approved condominium project. The statement shall be in at
25 least 10-point font on a separate piece of paper and in the following
26 form:

27
28 “Certification by the federal Department of Veterans Affairs
29 may provide benefits to members of an association, including an
30 improvement in an owner’s ability to refinance a mortgage or
31 obtain secondary financing and an increase in the pool of potential
32 buyers of the separate interest.

33 ~~This common interest development [is/is not (circle one)] a~~
34 ~~condominium project. The~~

35 *The* association of this common interest development [is/is not
36 (circle one)] certified by the federal Department of Veterans
37 Affairs.”

38
39 (c) The annual budget report shall be made available to the
40 members pursuant to Section 5320.

1 (d) The summary of the association’s reserves disclosed pursuant
 2 to paragraph (2) of subdivision (b) shall not be admissible in
 3 evidence to show improper financial management of an association,
 4 provided that other relevant and competent evidence of the financial
 5 condition of the association is not made inadmissible by this
 6 provision.

7 (e) The Assessment and Reserve Funding Disclosure Summary
 8 form, prepared pursuant to Section 5570, shall accompany each
 9 annual budget report or summary of the annual budget report that
 10 is delivered pursuant to this article.

11 (f) This section shall become operative on July 1, 2016.

12 *SEC. 7. Section 5570 of the Civil Code is amended to read:*

13 5570. (a) The disclosures required by this article with regard
 14 to an association or a property shall be summarized on the
 15 following form:

16
 17

18 Assessment and Reserve Funding Disclosure Summary For the
 19 Fiscal Year Ending _____

20

21 (1) The regular assessment per ownership interest is \$_____
 22 per _____. Note: If assessments vary by the size or type of
 23 ownership interest, the assessment applicable to this ownership
 24 interest may be found on page _____ of the attached summary.

25 (2) Additional regular or special assessments that have already
 26 been scheduled to be imposed or charged, regardless of the purpose,
 27 if they have been approved by the board and/or members:

28

Date assessment will be due:	Amount per ownership interest per month or year (If assessments are variable, see note immediately below):	Purpose of the assessment:
------------------------------	--	----------------------------

29
 30
 31
 32
 33

1		
2		
3		
4		Total:

Note: If assessments vary by the size or type of ownership interest, the assessment applicable to this ownership interest may be found on page ____ of the attached report.

(3) Based upon the most recent reserve study and other information available to the board of directors, will currently projected reserve account balances be sufficient at the end of each year to meet the association’s obligation for repair and/or replacement of major components during the next 30 years?

Yes _____ No _____

(4) If the answer to (3) is no, what additional assessments or other contributions to reserves would be necessary to ensure that sufficient reserve funds will be available each year during the next 30 years that have not yet been approved by the board or the members?

Approximate date assessment will be due:	Amount per ownership interest per month or year:
	Total:

(5) All major components are included in the reserve study and are included in its calculations.

(6) Based on the method of calculation in paragraph (4) of subdivision (b) of Section 5570, the estimated amount required in the reserve fund at the end of the current fiscal year is \$____, based in whole or in part on the last reserve study or update prepared by ____ as of ____ (month), ____ (year). The projected reserve fund cash balance at the end of the current fiscal year is \$____, resulting in reserves being ____ percent funded at this date.

1 If an alternate, but generally accepted, method of calculation is
2 also used, the required reserve amount is \$____. (See attached
3 explanation)

4 (7) Based on the method of calculation in paragraph (4) of
5 subdivision (b) of Section 5570 of the Civil Code, the estimated
6 amount required in the reserve fund at the end of each of the next
7 five budget years is \$_____, and the projected reserve fund cash
8 balance in each of those years, taking into account only assessments
9 already approved and other known revenues, is \$_____, leaving
10 the reserve at _____ percent funded. If the reserve funding plan
11 approved by the association is implemented, the projected reserve
12 fund cash balance in each of those years will be \$_____, leaving
13 the reserve at _____ percent funded.

14
15 Note: The financial representations set forth in this summary
16 are based on the best estimates of the preparer at that time. The
17 estimates are subject to change. At the time this summary was
18 prepared, the assumed long-term before-tax interest rate earned
19 on reserve funds was ____ percent per year, and the assumed
20 long-term inflation rate to be applied to major component repair
21 and replacement costs was ____ percent per year.

22
23 (b) For the purposes of preparing a summary pursuant to this
24 section:

25 (1) “Estimated remaining useful life” means the time reasonably
26 calculated to remain before a major component will require
27 replacement.

28 (2) “Major component” has the meaning used in Section ~~55530~~.
29 5550. Components with an estimated remaining useful life of more
30 than 30 years may be included in a study as a capital asset or
31 disregarded from the reserve calculation, so long as the decision
32 is revealed in the reserve study report and reported in the
33 Assessment and Reserve Funding Disclosure Summary.

34 (3) The form set out in subdivision (a) shall accompany each
35 annual budget report or summary thereof that is delivered pursuant
36 to Section 5300. The form may be supplemented or modified to
37 clarify the information delivered, so long as the minimum
38 information set out in subdivision (a) is provided.

39 (4) For the purpose of the report and summary, the amount of
40 reserves needed to be accumulated for a component at a given time

1 shall be computed as the current cost of replacement or repair
2 multiplied by the number of years the component has been in
3 service divided by the useful life of the component. This shall not
4 be construed to require the board to fund reserves in accordance
5 with this calculation.

6 ~~SEC. 3.~~

7 *SEC. 8.* Section 12955.9 of the Government Code is amended
8 to read:

9 12955.9. (a) The provisions of this part relating to
10 discrimination on the basis of familial status shall not apply to
11 housing for older persons.

12 (b) As used in this section, “housing for older persons” means
13 any of the following:

14 (1) Housing provided under any state or federal program that
15 the Secretary of Housing and Urban Development determines is
16 specifically designed and operated to assist elderly persons, as
17 defined in the state or federal program.

18 (2) Housing that meets the standards for senior housing in
19 Sections 51.2, 51.3, and 51.4 of the Civil Code, except to the extent
20 that those standards violate the prohibition of familial status
21 discrimination in the federal Fair Housing Amendments Act of
22 1988 (Public Law 100-430) and implementing regulations.

23 (3) Mobilehome parks that meet the standards for “housing for
24 older persons” as defined in the federal Fair Housing Act, as
25 amended by Public Law 104-76, and implementing regulations.

26 (c) For purposes of this section, the burden of proof shall be on
27 the owner to prove that the housing qualifies as housing for older
28 persons.

29 *SEC. 9.* Section 65863.10 of the Government Code is amended
30 to read:

31 65863.10. (a) As used in this section, the following terms have
32 the following meanings:

33 (1) “Affected public entities” means the mayor of the city in
34 which the assisted housing development is located, or, if located
35 in an unincorporated area, the chair of the board of supervisors of
36 the county; the appropriate local public housing authority, if any;
37 and the Department of Housing and Community Development.

38 (2) “Affected tenant” means a tenant household residing in an
39 assisted housing development, as defined in paragraph (3), at the

1 time notice is required to be provided pursuant to this section, that
2 benefits from the government assistance.

3 (3) “Assisted housing development” means a multifamily rental
4 housing development that receives governmental assistance under
5 any of the following programs:

6 (A) New construction, substantial rehabilitation, moderate
7 rehabilitation, property disposition, and loan management set-aside
8 programs, or any other program providing project-based assistance,
9 under Section 8 of the United States Housing Act of 1937, as
10 amended (42 U.S.C. Sec. 1437f).

11 (B) The following federal programs:

12 (i) The Below-Market-Interest-Rate Program under Section
13 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715 l(d)(3)
14 and (5)).

15 (ii) Section 236 of the National Housing Act (12 U.S.C. Sec.
16 1715z-1).

17 (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec.
18 1701q).

19 (C) Programs for rent supplement assistance under Section 101
20 of the Housing and Urban Development Act of 1965, as amended
21 (12 U.S.C. Sec. 1701s).

22 (D) Programs under Sections 514, 515, 516, 533, and 538 of
23 the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).

24 (E) Section 42 of the Internal Revenue Code.

25 (F) Section 142(d) of the Internal Revenue Code *or its*
26 *predecessors* (tax-exempt private activity mortgage revenue bonds).

27 (G) Section 147 of the Internal Revenue Code (Section 501(c)(3)
28 bonds).

29 (H) Title I of the Housing and Community Development Act
30 of 1974, as amended (Community Development Block Grant
31 Program).

32 (I) Title II of the Cranston-Gonzalez National Affordable
33 Housing Act of 1990, as amended (HOME Investment Partnership
34 Program).

35 (J) Titles IV and V of the McKinney-Vento Homeless Assistance
36 Act of 1987, as amended, including the Department of Housing
37 and Urban Development’s Supportive Housing Program, Shelter
38 Plus Care Program, and surplus federal property disposition
39 program.

1 (K) Grants and loans made by the Department of Housing and
2 Community Development, including the Rental Housing
3 Construction Program, CHRP-R, and other rental housing finance
4 programs.

5 (L) Chapter 1138 of the Statutes of 1987.

6 (M) The following assistance provided by counties or cities in
7 exchange for restrictions on the maximum rents that may be
8 charged for units within a multifamily rental housing development
9 and on the maximum tenant income as a condition of eligibility
10 for occupancy of the unit subject to the rent restriction, as reflected
11 by a recorded agreement with a county or city:

12 (i) Loans or grants provided using tax increment financing
13 pursuant to the Community Redevelopment Law (Part 1
14 (commencing with Section 33000) of Division 24 of the Health
15 and Safety Code).

16 (ii) Local housing trust funds, as referred to in paragraph (3) of
17 subdivision (a) of Section 50843 of the Health and Safety Code.

18 (iii) The sale or lease of public property at or below market
19 rates.

20 (iv) The granting of density bonuses, or concessions or
21 incentives, including fee waivers, parking variances, or
22 amendments to general plans, zoning, or redevelopment project
23 area plans, pursuant to Chapter 4.3 (commencing with Section
24 65915).

25 Assistance pursuant to this subparagraph shall not include the
26 use of tenant-based Housing Choice Vouchers (Section 8(o) of the
27 United States Housing Act of 1937, 42 U.S.C. Sec. 1437f(o),
28 excluding subparagraph (13) relating to project-based assistance).
29 Restrictions shall not include any rent control or rent stabilization
30 ordinance imposed by a county, city, or city and county.

31 (4) “City” means a general law city, a charter city, or a city and
32 county.

33 (5) “Expiration of rental restrictions” means the expiration of
34 rental restrictions for an assisted housing development described
35 in paragraph (3) unless the development has other recorded
36 agreements restricting the rent to the same or lesser levels for at
37 least 50 percent of the units.

38 (6) “Low or moderate income” means having an income as
39 defined in Section 50093 of the Health and Safety Code.

1 (7) “Prepayment” means the payment in full or refinancing of
2 the federally insured or federally held mortgage indebtedness prior
3 to its original maturity date, or the voluntary cancellation of
4 mortgage insurance, on an assisted housing development described
5 in paragraph (3) that would have the effect of removing the current
6 rent or occupancy or rent and occupancy restrictions contained in
7 the applicable laws and the regulatory agreement.

8 (8) “Termination” means an owner’s decision not to extend or
9 renew its participation in a federal, state, or local government
10 subsidy program or private, nongovernmental subsidy program
11 for an assisted housing development described in paragraph (3),
12 either at or prior to the scheduled date of the expiration of the
13 contract, that may result in an increase in tenant rents or a change
14 in the form of the subsidy from project-based to tenant-based.

15 (9) “Very low income” means having an income as defined in
16 Section 50052.5 of the Health and Safety Code.

17 (b) (1) At least 12 months prior to the anticipated date of the
18 termination of a subsidy contract, the expiration of rental
19 restrictions, or prepayment on an assisted housing development,
20 the owner proposing the termination or prepayment of
21 governmental assistance or the owner of an assisted housing
22 development in which there will be the expiration of rental
23 restrictions shall provide a notice of the proposed change to each
24 affected tenant household residing in the assisted housing
25 development at the time the notice is provided and to the affected
26 public entities. An owner who meets the requirements of Section
27 65863.13 shall be exempt from providing that notice. The notice
28 shall contain all of the following:

29 (A) In the event of termination, a statement that the owner
30 intends to terminate the subsidy contract or rental restrictions upon
31 its expiration date, or the expiration date of any contract extension
32 thereto.

33 (B) In the event of the expiration of rental restrictions, a
34 statement that the restrictions will expire, and in the event of
35 prepayment, termination, or the expiration of rental restrictions
36 whether the owner intends to increase rents during the 12 months
37 following prepayment, termination, or the expiration of rental
38 restrictions to a level greater than permitted under Section 42 of
39 the Internal Revenue Code.

1 (C) In the event of prepayment, a statement that the owner
2 intends to pay in full or refinance the federally insured or federally
3 held mortgage indebtedness prior to its original maturity date, or
4 voluntarily cancel the mortgage insurance.

5 (D) The anticipated date of the termination, prepayment of the
6 federal or other program or expiration of rental restrictions, and
7 the identity of the federal or other program described in subdivision
8 (a).

9 (E) A statement that the proposed change would have the effect
10 of removing the current low-income affordability restrictions in
11 the applicable contract or regulatory agreement.

12 (F) A statement of the possibility that the housing may remain
13 in the federal or other program after the proposed date of
14 termination of the subsidy contract or prepayment if the owner
15 elects to do so under the terms of the federal government's or other
16 program operator's offer.

17 (G) A statement whether other governmental assistance will be
18 provided to tenants residing in the development at the time of the
19 termination of the subsidy contract or prepayment.

20 (H) A statement that a subsequent notice of the proposed change,
21 including anticipated changes in rents, if any, for the development,
22 will be provided at least six months prior to the anticipated date
23 of termination of the subsidy contract, or expiration of rental
24 restrictions, or prepayment.

25 (I) A statement of notice of opportunity to submit an offer to
26 purchase, as required in Section 65863.11.

27 (2) Notwithstanding paragraph (1), if an owner provides a copy
28 of a federally required notice of termination of a subsidy contract
29 or prepayment at least 12 months prior to the proposed change to
30 each affected tenant household residing in the assisted housing
31 development at the time the notice is provided and to the affected
32 public entities, the owner shall be deemed in compliance with this
33 subdivision, if the notice is in compliance with all federal laws.
34 However, the federally required notice does not satisfy the
35 requirements of Section 65863.11.

36 (c) (1) At least six months prior to the anticipated date of
37 termination of a subsidy contract, expiration of rental restrictions
38 or prepayment on an assisted housing development, the owner
39 proposing the termination or prepayment of governmental
40 assistance or the owner of an assisted housing development in

1 which there will be the expiration of rental restrictions shall provide
2 a notice of the proposed change to each affected tenant household
3 residing in the assisted housing development at the time the notice
4 is provided and to the affected public entities. An owner who meets
5 the requirements of Section 65863.13 shall be exempt from
6 providing that notice.

7 (2) The notice to the tenants shall contain all of the following:

8 (A) The anticipated date of the termination or prepayment of
9 the federal or other program, or the expiration of rental restrictions,
10 and the identity of the federal or other program, as described in
11 subdivision (a).

12 (B) The current rent and rent anticipated for the unit during the
13 12 months immediately following the date of the prepayment or
14 termination of the federal or other program, or expiration of rental
15 restrictions.

16 (C) A statement that a copy of the notice will be sent to the city,
17 county, or city and county, where the assisted housing development
18 is located, to the appropriate local public housing authority, if any,
19 and to the Department of Housing and Community Development.

20 (D) A statement of the possibility that the housing may remain
21 in the federal or other program after the proposed date of subsidy
22 termination or prepayment if the owner elects to do so under the
23 terms of the federal government's or other program administrator's
24 offer or that a rent increase may not take place due to the expiration
25 of rental restrictions.

26 (E) A statement of the owner's intention to participate in any
27 current replacement subsidy program made available to the affected
28 tenants.

29 (F) The name and telephone number of the city, county, or city
30 and county, the appropriate local public housing authority, if any,
31 the Department of Housing and Community Development, and a
32 legal services organization, that can be contacted to request
33 additional written information about an owner's responsibilities
34 and the rights and options of an affected tenant.

35 (3) In addition to the information provided in the notice to the
36 affected tenant, the notice to the affected public entities shall
37 contain information regarding the number of affected tenants in
38 the project, the number of units that are government assisted and
39 the type of assistance, the number of the units that are not
40 government assisted, the number of bedrooms in each unit that is

1 government assisted, and the ages and income of the affected
2 tenants. The notice shall briefly describe the owner’s plans for the
3 project, including any timetables or deadlines for actions to be
4 taken and specific governmental approvals that are required to be
5 obtained, the reason the owner seeks to terminate the subsidy
6 contract or prepay the mortgage, and any contacts the owner has
7 made or is making with other governmental agencies or other
8 interested parties in connection with the notice. The owner shall
9 also attach a copy of any federally required notice of the
10 termination of the subsidy contract or prepayment that was
11 provided at least six months prior to the proposed change. The
12 information contained in the notice shall be based on data that is
13 reasonably available from existing written tenant and project
14 records.

15 (d) The owner proposing the termination or prepayment of
16 governmental assistance or the owner of an assisted housing
17 development in which there will be the expiration of rental
18 restrictions shall provide additional notice of any significant
19 changes to the notice required by subdivision (c) within seven
20 business days to each affected tenant household residing in the
21 assisted housing development at the time the notice is provided
22 and to the affected public entities. “Significant changes” shall
23 include, but not be limited to, any changes to the date of
24 termination or prepayment, or expiration of rental restrictions or
25 the anticipated new rent.

26 (e) An owner who is subject to the requirements of this section
27 shall also provide a copy of any notices issued to existing tenants
28 pursuant to subdivision (b), (c), or (d) to any prospective tenant at
29 the time he or she is interviewed for eligibility.

30 (f) This section shall not require the owner to obtain or acquire
31 additional information that is not contained in the existing tenant
32 and project records, or to update any information in his or her
33 records. The owner shall not be held liable for any inaccuracies
34 contained in these records or from other sources, nor shall the
35 owner be liable to any party for providing this information.

36 (g) For purposes of this section, service of the notice to the
37 affected tenants, the city, county, or city and county, the appropriate
38 local public housing authority, if any, and the Department of
39 Housing and Community Development by the owner pursuant to

1 subdivisions (b) to (e), inclusive, shall be made by first-class mail
2 postage prepaid.

3 (h) Nothing in this section shall enlarge or diminish the
4 authority, if any, that a city, county, city and county, affected
5 tenant, or owner may have, independent of this section.

6 (i) If, prior to January 1, 2001, the owner has already accepted
7 a bona fide offer from a qualified entity, as defined in subdivision
8 (c) of Section 65863.11, and has complied with this section as it
9 existed prior to January 1, 2001, at the time the owner decides to
10 sell or otherwise dispose of the development, the owner shall be
11 deemed in compliance with this section.

12 (j) Injunctive relief shall be available to any party identified in
13 paragraph (1) or (2) of subdivision (a) who is aggrieved by a
14 violation of this section.

15 (k) The Director of Housing and Community Development shall
16 approve forms to be used by owners to comply with subdivisions
17 (b) and (c). Once the director has approved the forms, an owner
18 shall use the approved forms to comply with subdivisions (b) and
19 (c).

20 *SEC. 10. Section 18080.5 of the Health and Safety Code is*
21 *amended to read:*

22 18080.5. (a) A numbered report of sale, lease, or rental form
23 issued by the department shall be submitted each time the following
24 transactions occur by or through a dealer:

25 (1) Whenever a manufactured home, mobilehome, or
26 commercial coach previously registered pursuant to this part is
27 sold, leased with an option to buy, or otherwise transferred.

28 (2) Whenever a manufactured home, mobilehome, or
29 commercial coach not previously registered in this state is sold,
30 rented, leased, leased with an option to buy, or otherwise
31 transferred.

32 (b) The numbered report of sale, lease, or rental forms shall be
33 used and distributed in accordance with the following terms and
34 conditions:

35 (1) A copy of the form shall be delivered to the purchaser.

36 (2) All fees and penalties due for the transaction that were
37 required to be reported with the report of sale, lease, or rental form
38 shall be paid to the department within 10 calendar days from the
39 date the transaction is completed, as specified by subdivision (e).

40 Penalties due for noncompliance with this paragraph shall be paid

1 by the dealer. The dealer shall not charge the consumer for those
2 penalties.

3 (3) Notice of the registration or transfer of a manufactured home
4 or mobilehome shall be reported pursuant to subdivision (d).

5 (4) The original report of sale, lease, or rental form, together
6 with all required documents to report the transaction or make
7 application to register or transfer a manufactured home,
8 mobilehome, or commercial coach, shall be forwarded to the
9 department. Any application shall be submitted within 10 calendar
10 days from the date the transaction was required to be reported, as
11 defined by subdivision (e).

12 (c) A manufactured home, mobilehome, or commercial coach
13 displaying a copy of the report of sale, lease, or rental may be
14 occupied without registration decals or registration card until the
15 registration decals and registration card are received by the
16 purchaser.

17 (d) In addition to the other requirements of this section, every
18 dealer upon transferring by sale, lease, or otherwise any
19 manufactured home or mobilehome shall, not later than the 10th
20 calendar day thereafter, not counting the date of sale, give written
21 notice of the transfer to the assessor of the county where the
22 manufactured home or mobilehome is to be installed. The written
23 notice shall be upon forms provided by the department containing
24 any information that the department may require, after consultation
25 with the assessors. Filing of a copy of the notice with the assessor
26 in accordance with this section shall be in lieu of filing a change
27 of ownership statement pursuant to Sections 480 and 482 of the
28 Revenue and Taxation Code.

29 (e) Except for transactions subject to Section 18035.26, for
30 purposes of this section, a transaction by or through a dealer shall
31 be deemed completed and consummated and any fees and the
32 required report of sale, lease, or rental are due when any of the
33 following occurs:

34 (1) The purchaser of any commercial coach has signed a
35 purchase contract or security agreement or paid any purchase price,
36 the lessee of a new commercial coach has signed a lease agreement
37 or lease with an option to buy or paid any purchase price, or the
38 lessee of a used commercial coach has either signed a lease with
39 an option to buy or paid any purchase price, and the purchaser or

1 lessee has taken physical possession or delivery of the commercial
2 coach.

3 (2) For sales subject to Section 18035, when all the amounts
4 other than escrow fees and amounts for uninstalled or undelivered
5 accessories are disbursed from the escrow account.

6 (3) For sales subject to Section 18035.2, when the installation
7 is complete and a certificate of occupancy is issued.

8 (f) The department shall charge a fee, not to exceed forty-five
9 dollars (\$45), for processing the notice of disposal and any
10 information required for completing the disposal process required
11 pursuant to Section 798.56a and 798.61 of the Civil Code.

12 (g) *Notwithstanding any other law, the Department of Housing
13 and Community Development may adopt guidelines related to
14 procedures and forms to implement the new disposal procedures
15 in Chapter 376 of the Statutes of 2015, until regulations are
16 adopted by the department to replace those guidelines.*

17 *SEC. 11. Section 18935 of the Health and Safety Code is
18 amended to read:*

19 18935. (a) Notice of proposed building standards shall be
20 given and hearings shall be held by the adopting agencies, as
21 required by the Administrative Procedure Act, prior to the adoption
22 of the building standards and submission to the commission for
23 approval. The notice of proposed building standards and the initial
24 statement of reasons for the proposed building standards shall
25 comply with Article 5 (commencing with Section 11346) of
26 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
27 Code. The adopting agency or state agency that proposes the
28 building standards shall submit the notice and initial statement of
29 reasons for proposed building standards to the California Building
30 Standards Commission, which shall review them for compliance
31 with Article 5 (commencing with Section 11346) of Chapter 3.5
32 of Part 1 of Division 3 of Title 2 of the Government Code. If the
33 commission determines that the adopting agency or state agency
34 that proposes the building standards has complied with Article 5
35 (commencing with Section 11346) of Chapter 3.5 of Part 1 of
36 Division 3 of Title 2 of the Government Code, the commission
37 shall approve the notice and initial statement of reasons for
38 proposed building standards, and submit ~~them~~ *the notice* to the
39 Office of Administrative Law for the sole purpose of inclusion in
40 the California Regulatory Notice Register. The Office of

1 Administrative Law shall publish only those notices of proposed
2 building standards which have been approved by, and submitted
3 to, the office by the California Building Standards Commission.

4 (b) In order to ensure an absence of conflict between hearings
5 and a maximum opportunity for interested parties to be heard, no
6 hearings by adopting agencies shall be conducted unless the time
7 and place thereof has been approved in writing by the commission
8 prior to public notices of the hearing being given by the adopting
9 agencies.

10 (c) If, after building standards are submitted to the commission
11 for approval, the commission requires changes therein as a
12 condition for approval, and the changes are made, no additional
13 hearing by the affected state agency shall be required in connection
14 with making the changes when the commission determines the
15 changes are nonsubstantial, solely grammatical in nature, or are
16 sufficiently related to the text submitted to the commission for
17 approval that the public was adequately placed on notice that the
18 change could result from the originally proposed building
19 standards.

20 *SEC. 12. Section 50074 of the Health and Safety Code is*
21 *amended to read:*

22 50074. “Housing—~~sponsor~~”, *sponsor*,” for the purpose of
23 housing assisted by the department, means any individual, joint
24 venture, partnership, limited partnership, trust, corporation, limited
25 equity housing cooperative, cooperative, local public entity, duly
26 constituted governing body of an Indian reservation or rancheria,
27 *tribally designated housing entity*, or other legal entity, or any
28 combination thereof, certified by the agency pursuant to rules and
29 regulations of the agency as qualified to either own, construct,
30 acquire or rehabilitate a housing development, whether for profit,
31 nonprofit, or organized for limited profit, and subject to the
32 regulatory powers of the agency pursuant to rules and regulations
33 of the agency and other terms and conditions set forth in this
34 division. “Housing sponsor” includes persons and families of low
35 or moderate income who are approved by the agency as eligible
36 to own and occupy a housing development and individuals and
37 legal entities receiving property improvement loans through the
38 agency.

39 *SEC. 13. Section 50104.6.5 is added to the Health and Safety*
40 *Code, to read:*

1 50104.6.5. “Tribally designated housing entity” means an
 2 entity as defined in Section 4103 of Title 25 of the United States
 3 Code. For the purposes of determining the eligibility of an
 4 applicant for funding under a program authorized by Part 2
 5 (commencing with Section 50400), references to a local public
 6 entity, nonprofit corporation, nonprofit housing sponsor, or
 7 governing body of an Indian reservation or rancheria in any statute
 8 included in, or in any regulation promulgated to implement, Part
 9 2 (commencing with Section 50400) shall be deemed to include a
 10 tribally designated housing entity.

11 SEC. 14. Chapter 4.7 (commencing with Section 50580) of
 12 Part 2 of Division 31 of the Health and Safety Code is repealed.

13 SEC. 15. Section 50784.7 of the Health and Safety Code is
 14 amended to read:

15 50784.7. (a) The department may make loans to resident
 16 organizations or qualified nonprofit sponsors from the Mobilehome
 17 Park Rehabilitation and Purchase Fund for the purpose of assisting
 18 lower income homeowners to ~~make needed~~ do any of the following:

19 (1) Make repairs ~~or~~ to their mobilehomes.
 20 (2) Make accessibility-related upgrades to their mobilehomes.

21 **Loans**

22 (3) Replace their mobilehomes.

23 (b) Loans made pursuant to these provisions shall meet both of
 24 the following requirements:

25 (1) The applicant entity has received a loan or loans pursuant
 26 to Section 50783, 50784, or 50784.5 for the purpose of assisting
 27 homeowners within a park proposed for acquisition or conversion.

28 (2) The applicant entity demonstrates sufficient organizational
 29 stability and capacity to manage a portfolio of individual loans
 30 over an extended time period. This capacity may be demonstrated
 31 by substantial successful experience performing similar activities
 32 or through other means acceptable to the department.

33 ~~(b)~~

34 (c) The department may adopt guidelines to implement this
 35 section.