

AMENDED IN ASSEMBLY MAY 31, 2016

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 7044 of the Business and Professions Code, to amend Sections 798.56a, 798.61, 1952.7, 4270, 5300, and 5570 of, 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, to amend Sections ~~12955.9~~ 12955.9, 65584.01, and 65863.10 of the Government Code, and to amend Sections 17913, 17922, 17922.3, 17958.1, 17959.1, 18080.5, 18935, 19990, 50074, and 50784.7 of, to add Section 50104.6.5 to, and to repeal Sections 17921.3 and 17921.9 of, 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, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law imposes specified requirements on home improvement contracts and service and repair contracts. Existing law makes it a misdemeanor for a person to engage in the business or act in the capacity of a contractor without a license and provides certain

*exemptions from that licensure requirement, including exemptions for owner-builders, as specified.*

*This bill would provide an additional exemption for a nonprofit corporation providing assistance to an owner-builder who is participating in a mutual self-help housing program, as specified.*

(1)

(2) 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 with the county tax collector of the management's intent to apply to have the mobilehome designated for disposal after a warehouse lien sale and 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 intent to apply to have a mobilehome designated for disposal with the tax collector and 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, *and to post and mail a notice of intent to dispose of the abandoned mobilehome, 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 require the management to post and mail the notice of intent to dispose of the abandoned mobilehome within 10 days following a judgment of abandonment and would require the management to file a notice of disposal with the department within 30 days following a judgment of abandonment, as specified.* 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)

(3) 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)

(4) 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.

(4)

(5) 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 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~~ *United States* 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.

~~(5)~~

(6) 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.

*(7) The Planning and Zoning Law requires a city or county to prepare and adopt a comprehensive, long-term general plan and requires the general plan to include certain mandatory elements, including a housing element. That law also requires the housing element, in turn, to include, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of those needs. That law further requires the Department of Housing and Community Development, for specified revisions of the housing element, to determine the existing and projected need for housing for each region, as specified.*

*This bill would make technical, nonsubstantive changes to this provision.*

~~(6)~~

(8) 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)~~

(9) 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~~ *Procedure* 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)

(10) 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~~ *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.

(11) *The State Housing Law requires the Department of Housing and Community Development to notify specified entities of the dates that each of the uniform codes published by specified organizations are approved by the California Building Standards Commission. Existing law also requires the building regulations and rules adopted by the department to impose substantially the same requirements as are contained in the more recent editions of various uniform industry codes, as specified.*

*This bill would additionally require the department to notify those entities of the dates that each of the international codes published by specified organizations are approved by the California Building Standards Commission. The bill would additionally require the building regulations and rules adopted by the department to impose substantially the same requirements as are contained in the most recent editions of various international industry codes, as specified, and would make conforming changes.*

(12) Existing law requires all water closets and urinals installed or sold in this state to meet specified requirements. Under existing law, these provisions are operative until January 1, 2014, or until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to these requirements.

*This bill would repeal this provision.*

(13) Existing law, until January 1, 1998, authorized the use of CPVC piping in building construction in California, as specified.

*This bill would repeal this provision.*

(14) Existing law prohibits a residential structure that is moved into, or within, the jurisdiction of a local agency or the department from being treated as a new building structure, as specified.

*This bill would make a technical change to this provision.*

(15) Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit, as specified.

*This bill would make a technical change to this provision.*

~~(9)~~

(16) 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:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 7044 of the Business and Professions
- 2 Code is amended to read:
- 3 7044. (a) This chapter does not apply to any of the following:

- 1 (1) An owner who builds or improves a structure on his or her  
2 property, provided that both of the following conditions are met:
- 3 (A) None of the improvements are intended or offered for sale.  
4 (B) The property owner personally performs all of the work or  
5 any work not performed by the owner is performed by the owner's  
6 employees with wages as their sole compensation.
- 7 (2) An owner who builds or improves a structure on his or her  
8 property, provided that both of the following conditions are met:
- 9 (A) The owner directly contracts with licensees who are duly  
10 licensed to contract for the work of the respective trades involved  
11 in completing the project.
- 12 (B) For projects involving single-family residential structures,  
13 no more than four of these structures are intended or offered for  
14 sale in a calendar year. This subparagraph shall not apply if the  
15 owner contracts with a general contractor for the construction.
- 16 (3) A homeowner improving his or her principal place of  
17 residence or appurtenances thereto, provided that all of the  
18 following conditions exist:
- 19 (A) The work is performed prior to sale.  
20 (B) The homeowner has actually resided in the residence for  
21 the 12 months prior to completion of the work.  
22 (C) The homeowner has not availed himself or herself of the  
23 exemption in this paragraph on more than two structures more  
24 than once during any three-year period.
- 25 (4) *A nonprofit corporation providing assistance to an*  
26 *owner-builder, as defined in subdivision (a) of Section 50692 of*  
27 *the Health and Safety Code, who is participating in a mutual*  
28 *self-help housing program, as defined in Section 50078 of the*  
29 *Health and Safety Code.*
- 30 (b) In all actions brought under this chapter, both of the  
31 following shall apply:
- 32 (1) Except as provided in paragraph (2), proof of the sale or  
33 offering for sale of a structure by or for the owner-builder within  
34 one year after completion of the structure constitutes a rebuttable  
35 presumption affecting the burden of proof that the structure was  
36 undertaken for purposes of sale.
- 37 (2) Proof of the sale or offering for sale of five or more  
38 structures by the owner-builder within one year after completion  
39 constitutes a conclusive presumption that the structures were  
40 undertaken for purposes of sale.



1 SECTION 1.

2 SEC. 2. Section 798.56a of the Civil Code is amended to 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  
5 pursuant to any reason provided in Section 798.56, the legal owner,  
6 if any, and each junior lienholder, if any, shall notify the  
7 management in writing of at least one of the following:

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

15 (2) Its intention to foreclose on its security interest in the  
16 mobilehome.

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

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

34 (1) The legal owner, if any, or junior lienholder, if any, notifies  
35 management in writing of the intention to exercise either option  
36 described in paragraph (2) or (3) of subdivision (a) within 60 days  
37 following receipt of, or no later than 65 days after the mailing of,  
38 the notice of termination of tenancy and satisfies all of the  
39 responsibilities and liabilities of the homeowner owing to the  
40 management for the 90 days preceding the mailing of the notice

1 of termination of tenancy and then continues to satisfy these  
2 responsibilities and liabilities as they accrue from the date of the  
3 mailing of that notice until the date the mobilehome is resold.

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

14 (3) The legal owner, if any, or junior lienholder, if any, complies  
15 with the requirements of Article 7 (commencing with Section  
16 798.70) as it relates to the transfer of the mobilehome to a third  
17 party.

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

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

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

1 provided for in Section 18116.1 of the Health and Safety Code,  
2 and may enforce the lien pursuant to Section 7210 of the  
3 Commercial Code either after the date of judgment in an unlawful  
4 detainer action or after the date the mobilehome is physically  
5 vacated by the resident, whichever occurs earlier. Upon completion  
6 of any sale to enforce the warehouse lien in accordance with  
7 Section 7210 of the Commercial Code, the management shall  
8 provide the purchaser at the sale with evidence of the sale, as shall  
9 be specified by the Department of Housing and Community  
10 Development, that shall, upon proper request by the purchaser of  
11 the mobilehome, register title to the mobilehome to this purchaser,  
12 whether or not there existed a legal owner or junior lienholder on  
13 this title to the mobilehome.

14 (2) (A) Notwithstanding any other law, if the management of  
15 a mobilehome park acquires a mobilehome after enforcing the  
16 warehouse lien and files a notice of disposal pursuant to  
17 subparagraph (B) with the Department of Housing and Community  
18 Development to designate the mobilehome for disposal,  
19 management or any other person enforcing this warehouse lien  
20 shall not be required to pay past or current vehicle license fees  
21 required by Section 18115 of the Health and Safety Code or obtain  
22 a tax clearance certificate, as set forth in Section 5832 of the  
23 Revenue and Taxation Code, provided that management notifies  
24 the county tax collector in the county in which the mobilehome is  
25 located of management's intent to apply to have the mobilehome  
26 designated for disposal after a warehouse lien sale. The written  
27 notice shall be sent to the county tax collector no less than ~~10~~ 30  
28 days after the date of the sale to enforce the lien against the  
29 mobilehome by first class mail, postage prepaid.

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

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

38 (C) (i) Within 30 days of the date of the disposal of the  
39 mobilehome, the management shall submit to the Department of

1 Housing and Community Development all of the following  
 2 information required for completing the disposal process:

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

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

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

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

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

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

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

25 *SEC. 3. Section 798.61 of the Civil Code is amended to read:*

26 798.61. (a) (1) As used in this section, “abandoned  
 27 mobilehome” means a mobilehome about which all of the  
 28 following are true:

29 (A) It is located in a mobilehome park on a site for which no  
 30 rent has been paid to the management for the preceding 60 days.

31 (B) It is unoccupied.

32 (C) A reasonable person would believe it to be abandoned.

33 (D) It is not permanently affixed to the land.

34 (2) As used in this section:

35 (A) “Mobilehome” shall include a trailer coach, as defined in  
 36 Section 635 of the Vehicle Code, or a recreational vehicle, as  
 37 defined in Section 18010 of the Health and Safety Code, if the  
 38 trailer coach or recreational vehicle also satisfies the requirements  
 39 of paragraph (1), including being located on any site within a

1 mobilehome park, even if the site is in a separate designated section  
2 pursuant to Section 18215 of the Health and Safety Code.

3 (B) “Abandoned mobilehome” shall include a mobilehome that  
4 is uninhabitable because of its total or partial destruction that  
5 cannot be rehabilitated, if the mobilehome also satisfies the  
6 requirements of paragraph (1).

7 (C) “Dispose” or “disposal” shall mean the removal and  
8 destruction of an abandoned mobilehome from a mobilehome park,  
9 thus making it unusable for any purpose and not subject to, or  
10 eligible for, use in the future as a mobilehome.

11 (b) After determining a mobilehome in a mobilehome park to  
12 be an abandoned mobilehome, the management shall post a notice  
13 of belief of abandonment on the mobilehome for not less than 30  
14 days, and shall deposit copies of the notice in the United States  
15 mail, postage prepaid, addressed to the homeowner at the last  
16 known address and to any known registered owner, if different  
17 from the homeowner, and to any known holder of a security interest  
18 in the abandoned mobilehome. This notice shall be mailed by  
19 registered or certified mail with a return receipt requested.

20 (c) (1) Thirty or more days following posting pursuant to  
21 subdivision (b), the management may file a petition in the superior  
22 court in the county in which the mobilehome park is located, for  
23 a judicial declaration of abandonment of the mobilehome. A  
24 proceeding under this subdivision is a limited civil case. Copies  
25 of the petition shall be served upon the homeowner, any known  
26 registered owner, and any known person having a lien or security  
27 interest of record in the mobilehome by posting a copy on the  
28 mobilehome and mailing copies to those persons at their last known  
29 addresses by registered or certified mail with a return receipt  
30 requested in the United States mail, postage prepaid.

31 (2) To dispose of an abandoned mobilehome pursuant to  
32 subdivision (f), the management shall also do all of the following:

33 (A) Declare in the petition that the management will dispose of  
34 the abandoned mobilehome, and therefore will not seek a tax  
35 clearance certificate as set forth in Section 5832 of the Revenue  
36 and Taxation Code.

37 (B) Declare in the petition whether the management intends to  
38 sell the contents of the abandoned mobilehome before its disposal.

39 (C) Notify the county tax collector in the county in which the  
40 mobilehome park is located of the declaration that management

1 will dispose of the abandoned mobilehome by sending a copy of  
2 the petition by first class mail.

3 (D) Declare in the petition that management intends to file a  
4 notice of disposal with the Department of Housing and Community  
5 Development and complete the disposal process consistent with  
6 the requirements of subdivision (f).

7 (d) (1) Hearing on the petition shall be given precedence over  
8 other matters on the court's calendar.

9 (2) If, at the hearing, the petitioner shows by a preponderance  
10 of the evidence that the criteria for an abandoned mobilehome has  
11 been satisfied and no party establishes an interest therein at the  
12 hearing and tenders all past due rent and other charges, the court  
13 shall enter a judgment of abandonment, determine the amount of  
14 charges to which the petitioner is entitled, and award attorney's  
15 fees and costs to the petitioner. For purposes of this subdivision,  
16 an interest in the mobilehome shall be established by evidence of  
17 a right to possession of the mobilehome or a security or ownership  
18 interest in the mobilehome.

19 (3) A default may be entered by the court clerk upon request of  
20 the petitioner, and a default judgment shall be thereupon entered,  
21 if no responsive pleading is filed within 15 days after service of  
22 the petition by mail.

23 (e) To sell an abandoned mobilehome, the management shall  
24 do all of the following:

25 (1) (A) Within 10 days following a judgment of abandonment,  
26 the management shall enter the abandoned mobilehome and  
27 complete an inventory of the contents and submit the inventory to  
28 the court.

29 (B) During this period the management shall post and mail a  
30 notice of intent to sell the abandoned mobilehome and its contents  
31 under this section, and announcing the date of sale, in the same  
32 manner as provided for the notice of determination of abandonment  
33 under subdivision (b). The management shall also provide notice  
34 to the county tax collector in the county in which the mobilehome  
35 park is located.

36 (C) At any time prior to the sale of an abandoned mobilehome  
37 or its contents under this section, any person having a right to  
38 possession of the abandoned mobilehome may recover and remove  
39 it from the premises upon payment to the management of all rent  
40 or other charges due, including reasonable costs of storage and

1 other costs awarded by the court. Upon receipt of this payment  
2 and removal of the abandoned mobilehome from the premises  
3 pursuant to this paragraph, the management shall immediately file  
4 an acknowledgment of satisfaction of judgment pursuant to Section  
5 724.030 of the Code of Civil Procedure.

6 (2) Following the judgment of abandonment, but not less than  
7 10 days following the notice of sale specified in paragraph (1), the  
8 management may conduct a public sale of the abandoned  
9 mobilehome, its contents, or both. The management may bid at  
10 the sale and shall have the right to offset its bids to the extent of  
11 the total amount due it under this section. The proceeds of the sale  
12 shall be retained by the management, but any unclaimed amount  
13 thus retained over and above the amount to which the management  
14 is entitled under this section shall be deemed abandoned property  
15 and shall be paid into the treasury of the county in which the sale  
16 took place within 30 days of the date of the sale. The former  
17 homeowner or any other owner may claim any or all of that  
18 unclaimed amount within one year from the date of payment to  
19 the county by making application to the county treasurer or other  
20 official designated by the county. If the county pays any or all of  
21 that unclaimed amount to a claimant, neither the county nor any  
22 officer or employee of the county is liable to any other claimant  
23 as to the amount paid.

24 (3) Within 30 days of the date of the sale, the management shall  
25 submit to the court an accounting of the moneys received from the  
26 sale and the disposition of the money and the items contained in  
27 the inventory submitted to the court pursuant to paragraph (1).

28 (4) The management shall provide the purchaser at the sale of  
29 an abandoned mobilehome with a copy of the judgment of  
30 abandonment and evidence of the sale, as shall be specified by the  
31 Department of Housing and Community Development, which shall  
32 register title in the abandoned mobilehome to the purchaser upon  
33 presentation thereof within 20 days of purchase. The sale shall  
34 pass title to the purchaser free of any prior interest, including any  
35 security interest or lien, except the lien provided for in Section  
36 18116.1 of the Health and Safety Code, in the abandoned  
37 mobilehome.

38 (f) To dispose of an abandoned mobilehome, the management  
39 shall do all of the following:

1 (1) (A) Within 10 days following a judgment of abandonment,  
2 the management shall enter the abandoned mobilehome and  
3 complete an inventory of the contents and submit the inventory to  
4 the court.

5 (B) ~~During this period~~ *Within 10 days following a judgment of*  
6 *abandonment*, the management shall post and mail a notice of  
7 intent to dispose of the abandoned mobilehome and its contents  
8 under this section, and announcing the date of disposal, in the same  
9 manner as provided for the notice of determination of abandonment  
10 under subdivision (b). The management shall also provide notice  
11 to the county tax collector in the county in which the mobilehome  
12 park is located.

13 (C) (i) ~~The~~ *Within 30 days following a judgment of*  
14 *abandonment*, the management shall file a notice of disposal with  
15 the Department of Housing and Community Development in the  
16 form and manner as prescribed by the department.

17 (ii) Notwithstanding any other law, when filing a notice of  
18 disposal pursuant to clause (i), the management shall not be  
19 required to pay past or current vehicle license fees required by  
20 Section 18115 of the Health and Safety Code or obtain a tax  
21 clearance certificated as set forth in Section 5832 of the Revenue  
22 and Taxation Code, provided that the management notifies the  
23 county tax collector in the county in which the mobilehome is  
24 located of the management's intent to apply to have the  
25 mobilehome designated for disposal pursuant to this subdivision.  
26 The written notice shall be sent to the county tax collector no less  
27 than 10 days after the date of the abandonment judgment by first  
28 class mail, postage prepaid.

29 (D) At any time prior to the disposal of an abandoned  
30 mobilehome or its contents under this section, any person having  
31 a right to possession of the abandoned mobilehome may recover  
32 and remove it from the premises upon payment to the management  
33 of all rent or other charges due, including reasonable costs of  
34 storage and other costs awarded by the court. Upon receipt of this  
35 payment and removal of the abandoned mobilehome from the  
36 premises pursuant to this subparagraph, the management shall  
37 immediately file an acknowledgment of satisfaction of judgment  
38 pursuant to Section 724.030 of the Code of Civil Procedure and a  
39 cancellation of the notice of disposal with the Department of  
40 Housing and Community Development.



1 (2) Following the judgment of abandonment and approval of  
2 the notice of disposal by the Department of Housing and  
3 Community Development, but not less than 10 days following the  
4 notice of disposal specified in paragraph (1), the management may  
5 dispose of the abandoned mobilehome after obtaining the  
6 information required in subparagraph (A) of paragraph (3).

7 (3) (A) Within 30 days of the date of the disposal of an  
8 abandoned mobilehome and its contents, the management shall  
9 do both of the following:

10 (i) Submit to the court and the county tax collector in the county  
11 in which the mobilehome park is located a statement that the  
12 abandoned mobilehome and its contents were disposed with  
13 supporting documentation.

14 (ii) (I) Submit to the Department of Housing and Community  
15 Development all of the following information required for  
16 completing the disposal process:

17 (ia) Photographs identifying and demonstrating that the  
18 mobilehome was uninhabitable by the removal or destruction of  
19 all appliances and fixtures such as ovens, stoves, bathroom fixtures,  
20 and heating or cooling appliances prior to its being moved.

21 (ib) A statement of facts as to the condition of the mobilehome  
22 when moved, the date it was moved, and the anticipated site of  
23 further dismantling or disposal.

24 (ic) The name, address, and license number of the person or  
25 entity removing the mobilehome from the mobilehome park.

26 (II) The information required pursuant to subclause (I) shall be  
27 submitted under penalty of perjury.

28 (B) Within 30 days of the date of the disposal of an abandoned  
29 mobilehome or the date of the sale of its contents, whichever date  
30 is later, the management shall submit to the court and the county  
31 tax collector in the county in which the mobilehome park is located  
32 an accounting of the moneys received from the sale and the  
33 disposition of the money and the items contained in the inventory  
34 submitted to the court pursuant to paragraph (1) and a statement  
35 that the abandoned mobilehome was disposed with supporting  
36 documentation.

37 (g) Notwithstanding any other law, the management shall not  
38 be required to obtain a tax clearance certificate, as set forth in  
39 Section 5832 of the Revenue and Taxation Code, to dispose of an  
40 abandoned mobilehome and its contents pursuant to subdivision

1 (f). However, any sale pursuant to this section shall be subject to  
 2 the registration requirements of Section 18100.5 of the Health and  
 3 Safety Code and the tax clearance certificate requirements of  
 4 Section 18092.7 of the Health and Safety Code.

5 *(h) Notwithstanding any other law, forms and procedures made*  
 6 *available for the implementation of Chapter 376 of the Statutes of*  
 7 *2015 shall not be subject to Chapter 4.5 (commencing with Section*  
 8 *11400) of Part 1 of Division 3 of Title 2 of the Government Code.*

9 ~~SEC. 2.~~

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

12

13 CHAPTER 2.5. TRANSITIONAL HOUSING PARTICIPANT  
 14 MISCONDUCT

15

16 Article 1. General Provisions and Definitions

17

18 1954.10. This chapter shall be known and may be cited as the  
 19 Transitional Housing Participant Misconduct Act.

20 1954.11. In enacting this chapter, it is the intent of the  
 21 Legislature to prevent the recurrence of acts of substantial  
 22 disruption or violence by participants in transitional housing  
 23 programs against other such participants, program staff, or  
 24 immediate neighbors of the participants.

25 1954.12. The following definitions shall govern the  
 26 construction of this chapter:

27 (a) "Abuse" means intentionally or recklessly causing or  
 28 attempting to cause bodily injury, or sexual assault or placing  
 29 another person in reasonable apprehension of imminent serious  
 30 bodily injury to himself, herself, or another, where the injured  
 31 person is another participant, program operator's ~~staff~~ *staff*, or a  
 32 person residing within 100 feet of the program site.

33 (b) "Homeless person" means an individual or family who, prior  
 34 to participation in a transitional housing program, either lacked a  
 35 fixed, regular, and adequate nighttime residence or had a primary  
 36 nighttime residence, that was one of the following:

37 (1) A supervised publicly or privately operated shelter designed  
 38 to provide temporary living accommodations, including, but not  
 39 limited to, welfare hotels, congregate ~~shelters~~ *shelters*, and  
 40 transitional housing for the mentally ill.

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

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

5 (c) “Participant” means a homeless person under contract with  
6 a program operator to participate in a transitional housing program  
7 and to use a dwelling unit in the program site. For the purposes of  
8 naming a defendant under this part, or a person to be protected  
9 under this part, “participant” shall include a person living with a  
10 participant at the program site. The contract shall specifically  
11 include the transitional housing program rules and regulations, a  
12 statement of the program operator’s right of control over and access  
13 to the program unit occupied by the participant, and a restatement  
14 of the requirements and procedures of this chapter.

15 (d) “Program misconduct” means any intentional violation of  
16 the transitional housing program rules and regulations which (1)  
17 substantially interferes with the orderly operation of the transitional  
18 housing program, and (2) relates to drunkenness on the program  
19 site, unlawful use or sale of controlled substances, theft, arson, or  
20 destruction of the property of the program operator, persons living  
21 within 100 feet of the program site, program employees, or other  
22 participants, or (3) relates to violence or threats of violence, and  
23 harassment of persons living within 100 feet of the program site,  
24 program employees, or of other participants.

25 (e) “Program operator” means a governmental agency, or private  
26 nonprofit corporation receiving any portion of its transitional  
27 housing program funds from a governmental agency, which is  
28 operating a transitional housing program. “Program operator” also  
29 includes any other manager or operator hired by a governmental  
30 agency or nonprofit corporation to operate its transitional housing  
31 program.

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

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

1 (1) Comprehensive social service programs which include  
2 regular individualized case management services and which may  
3 include alcohol and drug abuse counseling, self-improvement  
4 education, employment and training assistance services, and  
5 independent living skills development.

6 (2) Use of a program unit as a temporary housing unit in a  
7 structured living environment which use is conditioned upon  
8 compliance with the transitional housing program rules and  
9 regulations.

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

12

13 Article 2. Temporary Restraining Order and Injunction

14

15 1954.13. (a) The program operator may seek, on its own behalf  
16 or on behalf of other participants, project employees, or persons  
17 residing within 100 feet of the program site, a temporary restraining  
18 order and an injunction prohibiting abuse or program misconduct  
19 as provided in this chapter. A program operator may not seek a  
20 temporary restraining order, pursuant to this section, against a  
21 participant after the participant has been under contract with the  
22 program operator for at least six months or longer, except when  
23 an action is pending against the participant or a temporary  
24 restraining order is in effect and subject to further orders. Nothing  
25 in this section shall be construed to authorize a person residing  
26 within 100 feet of the program site to seek a temporary restraining  
27 order or injunction under this chapter.

28 (b) Upon filing a petition for an injunction under this chapter,  
29 the program operator may obtain a temporary restraining order in  
30 accordance with the provisions of this section. No temporary  
31 restraining order shall be issued without notice to the opposite  
32 party, unless it shall appear from the facts shown by the affidavit  
33 that great or irreparable harm would result to the program operator,  
34 a program participant, or an individual residing within 100 feet of  
35 the program site before the matter can be heard on notice. The  
36 program operator or the program operator’s attorney shall state in  
37 an affidavit to the court (1) that within a reasonable time prior to  
38 the application for a temporary restraining order he or she informed  
39 the opposing party or his or her attorney at what time and where  
40 the application would be made, (2) that he or she in good faith

1 attempted to so inform the opposing party and his or her attorney  
2 but was unable to so inform the opposing attorney or his or her  
3 party, specifying the efforts made to contact them, or (3) that for  
4 reasons specified he or she should not be required to inform the  
5 opposing party or his or her attorney.

6 A temporary restraining order may be granted upon an affidavit  
7 which, to the satisfaction of the court, shows reasonable proof of  
8 program misconduct or abuse by the participant, and that great or  
9 irreparable harm would result. A temporary restraining order  
10 granted under this section shall remain in effect, at the court's  
11 discretion, for a period not to exceed five days, unless otherwise  
12 modified, extended, or terminated by the court.

13 (c) The matter shall be made returnable on an order requiring  
14 cause to be shown why the injunction should not be granted, not  
15 later than five days from the date of the order. When the matter  
16 comes up for hearing, the party who obtained the temporary  
17 restraining order shall be ready to proceed and shall have personally  
18 served upon the opposite party at least two days prior to the  
19 hearing, a copy of the petition, a copy of the temporary restraining  
20 order, if any, the notice of hearing, copies of all affidavits to be  
21 used in the application, and a copy of any points and authorities  
22 in support of the petition. If the party who obtained the temporary  
23 restraining order is not ready, or if he or she fails to serve a copy  
24 of his or her petition, affidavits, and points and authorities, as  
25 herein required, the court shall dissolve the temporary restraining  
26 order. The court may, upon the filing of an affidavit by the program  
27 operator or his or her attorney, that the participant could not be  
28 served on time, reissue any temporary restraining order previously  
29 issued pursuant to this section and dissolved by the court for failure  
30 to serve the participant. An order reissued under this section shall  
31 state on its face the new date of expiration of the order. No fees  
32 shall be charged for the reissuance of any order under this section.  
33 The participant shall be entitled to a continuance, provided that  
34 the request is made on or before the hearing date and the hearing  
35 shall be set for a date within 15 days of the application, unless the  
36 participant requests a later date. The court may extend, or modify  
37 and extend, any temporary restraining order until the date and time  
38 upon which the hearing is held. The participant may file a response  
39 which explains, excuses, justifies, or denies the alleged conduct.  
40 No fee shall be charged for the filing of a response. At the hearing,

1 the judge shall receive any testimony or evidence that is relevant,  
2 and may make an independent inquiry. If the judge finds by clear  
3 and convincing evidence that program misconduct or abuse exists,  
4 an injunction shall issue prohibiting that conduct. An injunction  
5 issued pursuant to this section shall have a duration of not more  
6 than one year. At any time within the three months before the  
7 expiration of the injunction, the program operator may apply for  
8 renewal of the injunction by filing a new petition for an injunction  
9 under this section.

10 (d) In addition to orders restraining abuse, the court may, upon  
11 clear and convincing evidence of abuse, issue an order excluding  
12 the participant from the program site, or restraining the participant  
13 from coming within 200 feet of the program site, upon an affidavit  
14 which, to the satisfaction of the court, shows clear and convincing  
15 evidence of abuse of a project employee, another participant, or a  
16 person who resides within 100 feet of the program site, by the  
17 participant and that great or irreparable injury would result to one  
18 of these individuals if the order is not issued. An order excluding  
19 the participant from the program site may be included in the  
20 temporary restraining order only in an emergency where it is  
21 necessary to protect another participant, a project employee, or an  
22 individual who lives within 100 feet of the project site from  
23 imminent serious bodily injury.

24 (e) Nothing in this chapter shall preclude either party from  
25 representation by private counsel or from appearing on his or her  
26 own behalf.

27 (f) The notice of hearing specified in subdivision (c) shall  
28 contain on its face the name and phone number of an office funded  
29 by the federal Legal Services Corporation which provides legal  
30 services to low-income persons in the county in which the action  
31 is filed. The notice shall indicate that this number may be called  
32 for legal advice concerning the filing of a response to the petition.

33 (g) Nothing in this chapter shall preclude the program operator's  
34 right to utilize other existing civil remedies. An order issued under  
35 this section shall not affect the rights of anyone not named in the  
36 order.

37 1954.14. (a) The clerk shall transmit a copy of each temporary  
38 restraining order or injunction or modification or termination  
39 thereof, granted under this chapter, by the close of the business  
40 day on which the order was granted, to the law enforcement

1 agencies having jurisdiction over the program site. Each law  
2 enforcement agency may make available information as to the  
3 existence and current status of these orders to law enforcement  
4 officers responding to the scene of reported abuse or program  
5 misconduct.

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

9 (c) If a participant is found in contempt of a court order issued  
10 pursuant to this section, the court may, in addition to any other  
11 punishment, modify the order to exclude the participant from the  
12 program site.

13 1954.15. If a participant has violated an order issued under  
14 Section 1954.13, the participant shall be considered to have failed  
15 to perform the conditions of the agreement under which the  
16 property is held as provided in subsection 3 of Section 1161 of the  
17 Code of Civil Procedure, which conditions cannot afterward be  
18 performed.

19 1954.16. The Judicial Council shall promulgate forms and  
20 related instructions to implement the procedures required by this  
21 chapter. The petition and response forms shall be simple and  
22 concise.

23

### 24 Article 3. Recovery of Dwelling

25

26 1954.17. If, after hearing pursuant to this chapter, an order  
27 excluding the participant from the program site is issued, the  
28 program operator may, without further notice, take possession of  
29 the participant's dwelling unit on the program site. The program  
30 operator shall have the same rights to the dwelling unit as if it had  
31 been recovered after abandonment in accordance with Section  
32 1951.3 and without objection of the participant. If other  
33 participants, including the defendant participant's family members,  
34 reside in the dwelling unit, the abandonment shall be deemed only  
35 to affect the rights of the individual or individuals against whom  
36 the order was issued.

37 1954.18. If the program operator takes possession of the  
38 property, pursuant to this article, the program operator shall give  
39 the subject participant a reasonable opportunity to remove the  
40 participant's property from his or her dwelling unit on the program

1 site, and, thereafter, the program operator may consider the  
2 remaining subject participant’s property to be abandoned property  
3 pursuant to Chapter 5 (commencing with Section 1980).

4 ~~SEC. 3.~~

5 *SEC. 5.* Section 1952.7 of the Civil Code is amended to read:

6 1952.7. (a) (1) Any term in a lease that is executed, renewed,  
7 or extended on or after January 1, 2015, that conveys any  
8 possessory interest in commercial property that either prohibits or  
9 unreasonably restricts the installation or use of an electric vehicle  
10 charging station in a parking space associated with the commercial  
11 property, or that is otherwise in conflict with the provisions of this  
12 section, is void and unenforceable.

13 (2) This subdivision does not apply to provisions that impose  
14 reasonable restrictions on the installation of electric vehicle  
15 charging stations. However, it is the policy of the state to promote,  
16 encourage, and remove obstacles to the use of electric vehicle  
17 charging stations.

18 (3) This subdivision shall not grant the holder of a possessory  
19 interest under the lease described in paragraph (1) the right to  
20 install electric vehicle charging stations in more parking spaces  
21 than are allotted to the leaseholder in his or her lease, or, if no  
22 parking spaces are allotted, a number of parking spaces determined  
23 by multiplying the total number of parking spaces located at the  
24 commercial property by a fraction, the denominator of which is  
25 the total rentable square feet at the property, and the numerator of  
26 which is the number of total square feet rented by the leaseholder.

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

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

33 (1) A commercial property where charging stations already exist  
34 for use by tenants in a ratio that is equal to or greater than ~~two~~ 2  
35 available parking spaces for every 100 parking spaces at the  
36 commercial property.

37 (2) A commercial property where there are less than 50 parking  
38 spaces.

39 (c) For purposes of this section:



1 (1) “Electric vehicle charging station” or “charging station”  
2 means a station that is designed in compliance with Article 625 of  
3 the California Electrical Code, as it reads on the effective date of  
4 this section, and delivers electricity from a source outside an  
5 electric vehicle into one or more electric vehicles.

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

11 (3) “Reasonable restrictions” or “reasonable standards” are  
12 restrictions or standards that do not significantly increase the cost  
13 of the electric vehicle charging station or its installation or  
14 significantly decrease the charging station’s efficiency or specified  
15 performance.

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

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

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

26 (1) If lessor approval is required, the lessee first shall obtain  
27 approval from the lessor to install the electric vehicle charging  
28 station and the lessor shall approve the installation if the lessee  
29 complies with the applicable provisions of the lease consistent  
30 with the provisions of this section and agrees in writing to do all  
31 of the following:

32 (A) Comply with the lessor’s reasonable standards for the  
33 installation of the charging station.

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

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

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

1 (A) Costs for damage to property and the charging station  
2 resulting from the installation, maintenance, repair, removal, or  
3 replacement of the charging station.

4 (B) Costs for the maintenance, repair, and replacement of the  
5 charging station.

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

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

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

17 (h) Any installation by a lessor or a lessee of an electric vehicle  
18 charging station in a common interest development is also subject  
19 to all of the requirements of subdivision (f) of Section ~~4745~~ of the  
20 Civil Code. 4745.

21 ~~SEC. 4.~~

22 *SEC. 6.* Section 4270 of the Civil Code is amended to read:

23 4270. (a) A declaration may be amended pursuant to the  
24 declaration or this act. Except where an alternative process for  
25 approving, certifying, or recording an amendment is provided in  
26 Section 4225, 4230, 4235, or 4275, an amendment is effective  
27 after all of the following requirements have been met:

28 (1) The amendment has been approved by the percentage of  
29 members required by the declaration and any other person whose  
30 approval is required by the declaration.

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

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

37 (b) If the declaration does not specify the percentage of members  
38 who must approve an amendment of the declaration, an amendment  
39 may be approved by a majority of all members, pursuant to Section  
40 4065.

1     ~~SEC. 5.~~

2     *SEC. 7.* Section 4750.10 of the Civil Code is amended and  
3 renumbered to read:

4     4753. (a) For the purposes of this section, “clothesline”  
5 includes a cord, rope, or wire from which laundered items may be  
6 hung to dry or air. A balcony, railing, awning, or other part of a  
7 structure or building shall not qualify as a clothesline.

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

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

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

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

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

24     (e) Nothing in this section shall prohibit an association from  
25 establishing and enforcing reasonable rules governing clotheslines  
26 or drying racks.

27     ~~SEC. 6.~~

28     *SEC. 8.* Section 5300 of the Civil Code, as added by Section  
29 2 of Chapter 184 of the Statutes of 2015, is amended to read:

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

33     (b) Unless the governing documents impose more stringent  
34 standards, the annual budget report shall include all of the  
35 following information:

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

38     (2) A summary of the association’s reserves, prepared pursuant  
39 to Section 5565.

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

6 (4) A statement as to whether the board has determined to defer  
7 or not undertake repairs or replacement of any major component  
8 with a remaining life of 30 years or less, including a justification  
9 for the deferral or decision not to undertake the repairs or  
10 replacement.

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

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

22 (7) A general statement addressing the procedures used for the  
23 calculation and establishment of those reserves to defray the future  
24 repair, replacement, or additions to those major components that  
25 the association is obligated to maintain. The statement shall  
26 include, but need not be limited to, reserve calculations made using  
27 the formula described in paragraph (4) of subdivision (b) of Section  
28 5570, and may not assume a rate of return on cash reserves in  
29 excess of 2 percent above the discount rate published by the Federal  
30 Reserve Bank of San Francisco at the time the calculation was  
31 made.

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

36 (9) A summary of the association's property, general liability,  
37 earthquake, flood, and fidelity insurance policies. For each policy,  
38 the summary shall include the name of the insurer, the type of  
39 insurance, the policy limit, and the amount of the deductible, if  
40 any. To the extent that any of the required information is specified

1 in the insurance policy declaration page, the association may meet  
2 its obligation to disclose that information by making copies of that  
3 page and distributing it with the annual budget report. The  
4 summary distributed pursuant to this paragraph shall contain, in  
5 at least 10-point boldface type, the following statement:  
6

7 “This summary of the association’s policies of insurance provides  
8 only certain information, as required by Section 5300 of the Civil  
9 Code, and should not be considered a substitute for the complete  
10 policy terms and conditions contained in the actual policies of  
11 insurance. Any association member may, upon request and  
12 provision of reasonable notice, review the association’s insurance  
13 policies and, upon request and payment of reasonable duplication  
14 charges, obtain copies of those policies. Although the association  
15 maintains the policies of insurance specified in this summary, the  
16 association’s policies of insurance may not cover your property,  
17 including personal property or real property improvements to or  
18 around your dwelling, or personal injuries or other losses that occur  
19 within or around your dwelling. Even if a loss is covered, you may  
20 nevertheless be responsible for paying all or a portion of any  
21 deductible that applies. Association members should consult with  
22 their individual insurance broker or agent for appropriate additional  
23 coverage.”  
24

25 (10) When the common interest development is a condominium  
26 project, a statement describing the status of the common interest  
27 development as a Federal Housing Administration (FHA)-approved  
28 condominium project pursuant to FHA guidelines, including  
29 whether the common interest development is an FHA-approved  
30 condominium project. The statement shall be in at least 10-point  
31 font on a separate piece of paper and in the following form:  
32

33 “Certification by the Federal Housing Administration may  
34 provide benefits to members of an association, including an  
35 improvement in an owner’s ability to refinance a mortgage or  
36 obtain secondary financing and an increase in the pool of potential  
37 buyers of the separate interest.

38 The association of this common interest development [is/is not  
39 (circle one)] certified by the Federal Housing Administration.”  
40

1 (11) When the common interest development is a condominium  
 2 project, a statement describing the status of the common interest  
 3 development as a ~~federal~~ *United States* Department of Veterans  
 4 Affairs (VA)-approved condominium project pursuant to VA  
 5 guidelines, including whether the common interest development  
 6 is a VA-approved condominium project. The statement shall be  
 7 in at least 10-point font on a separate piece of paper and in the  
 8 following form:

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

15 The association of this common interest development [is/is not  
 16 (circle one)] certified by the federal Department of Veterans  
 17 Affairs.”

18  
 19 (c) The annual budget report shall be made available to the  
 20 members pursuant to Section 5320.

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

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

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

32 ~~SEC. 7:~~

33 *SEC. 9.* Section 5570 of the Civil Code is amended to read:

34 5570. (a) The disclosures required by this article with regard  
 35 to an association or a property shall be summarized on the  
 36 following form:

37

1 Assessment and Reserve Funding Disclosure Summary For the  
2 Fiscal Year Ending \_\_\_\_\_  
3

4 (1) The regular assessment per ownership interest is \$ \_\_\_\_\_  
5 per \_\_\_\_\_. Note: If assessments vary by the size or type of  
6 ownership interest, the assessment applicable to this ownership  
7 interest may be found on page \_\_\_\_\_ of the attached summary.

8 (2) Additional regular or special assessments that have already  
9 been scheduled to be imposed or charged, regardless of the purpose,  
10 if they have been approved by the board and/or members:  
11

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:
	Total:	

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22 Note: If assessments vary by the size or type of ownership  
23 interest, the assessment applicable to this ownership interest may  
24 be found on page \_\_\_\_ of the attached report.

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

30 Yes \_\_\_\_\_ No \_\_\_\_\_

31 (4) If the answer to (3) is no, what additional assessments or  
32 other contributions to reserves would be necessary to ensure that  
33 sufficient reserve funds will be available each year during the next  
34 30 years that have not yet been approved by the board or the  
35 members?  
36

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

	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.

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

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

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

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



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

4 (2) “Major component” has the meaning used in Section 5550.  
5 Components with an estimated remaining useful life of more than  
6 30 years may be included in a study as a capital asset or disregarded  
7 from the reserve calculation, so long as the decision is revealed in  
8 the reserve study report and reported in the Assessment and  
9 Reserve Funding Disclosure Summary.

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

15 (4) For the purpose of the report and summary, the amount of  
16 reserves needed to be accumulated for a component at a given time  
17 shall be computed as the current cost of replacement or repair  
18 multiplied by the number of years the component has been in  
19 service divided by the useful life of the component. This shall not  
20 be construed to require the board to fund reserves in accordance  
21 with this calculation.

22 ~~SEC. 8.~~

23 *SEC. 10.* Section 12955.9 of the Government Code is amended  
24 to read:

25 12955.9. (a) The provisions of this part relating to  
26 discrimination on the basis of familial status shall not apply to  
27 housing for older persons.

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

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

34 (2) Housing that meets the standards for senior housing in  
35 Sections 51.2, 51.3, and 51.4 of the Civil Code, except to the extent  
36 that those standards violate the prohibition of familial status  
37 discrimination in the federal Fair Housing Amendments Act of  
38 1988 (Public Law 100-430) and implementing regulations.

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

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

7 *SEC. 11. Section 65584.01 of the Government Code is amended*  
8 *to read:*

9 65584.01. (a) For the fourth and subsequent revision of the  
10 housing element pursuant to Section 65588, the department, in  
11 consultation with each council of governments, where applicable,  
12 shall determine the existing and projected need for housing for  
13 each region in the following manner:

14 (b) The department’s determination shall be based upon  
15 population projections produced by the Department of Finance  
16 and regional population forecasts used in preparing regional  
17 transportation plans, in consultation with each council of  
18 governments. If the total regional population forecast for the  
19 ~~planning period~~, *projection year*, developed by the council of  
20 governments and used for the preparation of the regional  
21 transportation plan, is within a range of 3 percent of the total  
22 regional population forecast for the ~~planning period over the same~~  
23 ~~time period~~ *projection year* by the Department of Finance, then  
24 the population forecast developed by the council of governments  
25 shall be the basis from which the department determines the  
26 existing and projected need for housing in the region. If the  
27 difference between the total population ~~growth~~ projected by the  
28 council of governments and the total population ~~growth~~ projected  
29 for the region by the Department of Finance is greater than 3  
30 percent, then the department and the council of governments shall  
31 meet to discuss variances in methodology used for population  
32 projections and seek agreement on a population projection for the  
33 region to be used as a basis for determining the existing and  
34 projected housing need for the region. If no agreement is reached,  
35 then the population projection for the region shall be the population  
36 projection for the region prepared by the Department of Finance  
37 as may be modified by the department as a result of discussions  
38 with the council of governments.

39 (c) (1) At least 26 months prior to the scheduled revision  
40 pursuant to Section 65588 and prior to developing the existing and

1 projected housing need for a region, the department shall meet and  
2 consult with the council of governments regarding the assumptions  
3 and methodology to be used by the department to determine the  
4 region's housing needs. The council of governments shall provide  
5 data assumptions from the council's projections, including, if  
6 available, the following data for the region:

7 (A) Anticipated household growth associated with projected  
8 population increases.

9 (B) Household size data and trends in household size.

10 (C) The rate of household formation, or headship rates, based  
11 on age, gender, ethnicity, or other established demographic  
12 measures.

13 (D) The vacancy rates in existing housing stock, and the vacancy  
14 rates for healthy housing market functioning and regional mobility,  
15 as well as housing replacement needs.

16 (E) Other characteristics of the composition of the projected  
17 population.

18 (F) The relationship between jobs and housing, including any  
19 imbalance between jobs and housing.

20 (2) The department may accept or reject the information  
21 provided by the council of governments or modify its own  
22 assumptions or methodology based on this information. After  
23 consultation with the council of governments, the department shall  
24 make determinations in writing on the assumptions for each of the  
25 factors listed in subparagraphs (A) to (F), inclusive, of paragraph  
26 (1) and the methodology it shall use and shall provide these  
27 determinations to the council of governments.

28 (d) (1) After consultation with the council of governments, the  
29 department shall make a determination of the region's existing  
30 and projected housing need based upon the assumptions and  
31 methodology determined pursuant to subdivision (c). The region's  
32 existing and projected housing need shall reflect the achievement  
33 of a feasible balance between jobs and housing within the region  
34 using the regional employment projections in the applicable  
35 regional transportation plan. Within 30 days following notice of  
36 the determination from the department, the council of governments  
37 may file an objection to the department's determination of the  
38 region's existing and projected housing need with the department.

39 (2) The objection shall be based on and substantiate either of  
40 the following:

1 (A) The department failed to base its determination on the  
2 population projection for the region established pursuant to  
3 subdivision (b), and shall identify the population projection which  
4 the council of governments believes should instead be used for the  
5 determination and explain the basis for its rationale.

6 (B) The regional housing need determined by the department  
7 is not a reasonable application of the methodology and assumptions  
8 determined pursuant to subdivision (c). The objection shall include  
9 a proposed alternative determination of its regional housing need  
10 based upon the determinations made in subdivision (c), including  
11 analysis of why the proposed alternative would be a more  
12 reasonable application of the methodology and assumptions  
13 determined pursuant to subdivision (c).

14 (3) If a council of governments files an objection pursuant to  
15 this subdivision and includes with the objection a proposed  
16 alternative determination of its regional housing need, it shall also  
17 include documentation of its basis for the alternative determination.  
18 Within 45 days of receiving an objection filed pursuant to this  
19 section, the department shall consider the objection and make a  
20 final written determination of the region's existing and projected  
21 housing need that includes an explanation of the information upon  
22 which the determination was made.

23 ~~SEC. 9.~~

24 *SEC. 12.* Section 65863.10 of the Government Code is amended  
25 to read:

26 65863.10. (a) As used in this section, the following terms have  
27 the following meanings:

28 (1) "Affected public entities" means the mayor of the city in  
29 which the assisted housing development is located, or, if located  
30 in an unincorporated area, the chair of the board of supervisors of  
31 the county; the appropriate local public housing authority, if any;  
32 and the Department of Housing and Community Development.

33 (2) "Affected tenant" means a tenant household residing in an  
34 assisted housing development, as defined in paragraph (3), at the  
35 time notice is required to be provided pursuant to this section, that  
36 benefits from the government assistance.

37 (3) "Assisted housing development" means a multifamily rental  
38 housing development that receives governmental assistance under  
39 any of the following programs:

- 1 (A) New construction, substantial rehabilitation, moderate  
2 rehabilitation, property disposition, and loan management set-aside  
3 programs, or any other program providing project-based assistance,  
4 under Section 8 of the United States Housing Act of 1937, as  
5 amended (42 U.S.C. Sec. 1437f).
- 6 (B) The following federal programs:
- 7 (i) The Below-Market-Interest-Rate Program under Section  
8 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715 l(d)(3)  
9 and (5)).
- 10 (ii) Section 236 of the National Housing Act (12 U.S.C. Sec.  
11 1715z-1).
- 12 (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec.  
13 1701q).
- 14 (C) Programs for rent supplement assistance under Section 101  
15 of the Housing and Urban Development Act of 1965, as amended  
16 (12 U.S.C. Sec. 1701s).
- 17 (D) Programs under Sections 514, 515, 516, 533, and 538 of  
18 the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).
- 19 (E) Section 42 of the Internal Revenue Code.
- 20 (F) Section 142(d) of the Internal Revenue Code or its  
21 predecessors (tax-exempt private activity mortgage revenue bonds).
- 22 (G) Section 147 of the Internal Revenue Code (Section 501(c)(3)  
23 bonds).
- 24 (H) Title I of the Housing and Community Development Act  
25 of 1974, as amended (Community Development Block Grant  
26 Program).
- 27 (I) Title II of the Cranston-Gonzalez National Affordable  
28 Housing Act of 1990, as amended (HOME Investment Partnership  
29 Program).
- 30 (J) Titles IV and V of the McKinney-Vento Homeless Assistance  
31 Act of 1987, as amended, including the Department of Housing  
32 and Urban Development’s Supportive Housing Program, Shelter  
33 Plus Care Program, and surplus federal property disposition  
34 program.
- 35 (K) Grants and loans made by the Department of Housing and  
36 Community Development, including the Rental Housing  
37 Construction Program, CHRP-R, and other rental housing finance  
38 programs.
- 39 (L) Chapter 1138 of the Statutes of 1987.

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

7 (i) Loans or grants provided using tax increment financing  
8 pursuant to the Community Redevelopment Law (Part 1  
9 (commencing with Section 33000) of Division 24 of the Health  
10 and Safety Code).

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

13 (iii) The sale or lease of public property at or below market  
14 rates.

15 (iv) The granting of density bonuses, or concessions or  
16 incentives, including fee waivers, parking variances, or  
17 amendments to general plans, zoning, or redevelopment project  
18 area plans, pursuant to Chapter 4.3 (commencing with Section  
19 65915).

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

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

28 (5) “Expiration of rental restrictions” means the expiration of  
29 rental restrictions for an assisted housing development described  
30 in paragraph (3) unless the development has other recorded  
31 agreements restricting the rent to the same or lesser levels for at  
32 least 50 percent of the units.

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

35 (7) “Prepayment” means the payment in full or refinancing of  
36 the federally insured or federally held mortgage indebtedness prior  
37 to its original maturity date, or the voluntary cancellation of  
38 mortgage insurance, on an assisted housing development described  
39 in paragraph (3) that would have the effect of removing the current

1 rent or occupancy or rent and occupancy restrictions contained in  
2 the applicable laws and the regulatory agreement.

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

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

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

24 (A) In the event of termination, a statement that the owner  
25 intends to terminate the subsidy contract or rental restrictions upon  
26 its expiration date, or the expiration date of any contract extension  
27 thereto.

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

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

39 (D) The anticipated date of the termination, prepayment of the  
40 federal or other program or expiration of rental restrictions, and

1 the identity of the federal or other program described in subdivision  
2 (a).

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

6 (F) A statement of the possibility that the housing may remain  
7 in the federal or other program after the proposed date of  
8 termination of the subsidy contract or prepayment if the owner  
9 elects to do so under the terms of the federal government’s or other  
10 program operator’s offer.

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

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

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

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

30 (c) (1) At least six months prior to the anticipated date of  
31 termination of a subsidy contract, expiration of rental restrictions  
32 or prepayment on an assisted housing development, the owner  
33 proposing the termination or prepayment of governmental  
34 assistance or the owner of an assisted housing development in  
35 which there will be the expiration of rental restrictions shall provide  
36 a notice of the proposed change to each affected tenant household  
37 residing in the assisted housing development at the time the notice  
38 is provided and to the affected public entities. An owner who meets  
39 the requirements of Section 65863.13 shall be exempt from  
40 providing that notice.



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

2 (A) The anticipated date of the termination or prepayment of  
3 the federal or other program, or the expiration of rental restrictions,  
4 and the identity of the federal or other program, as described in  
5 subdivision (a).

6 (B) The current rent and rent anticipated for the unit during the  
7 12 months immediately following the date of the prepayment or  
8 termination of the federal or other program, or expiration of rental  
9 restrictions.

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

14 (D) A statement of the possibility that the housing may remain  
15 in the federal or other program after the proposed date of subsidy  
16 termination or prepayment if the owner elects to do so under the  
17 terms of the federal government's or other program administrator's  
18 offer or that a rent increase may not take place due to the expiration  
19 of rental restrictions.

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

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

29 (3) In addition to the information provided in the notice to the  
30 affected tenant, the notice to the affected public entities shall  
31 contain information regarding the number of affected tenants in  
32 the project, the number of units that are government assisted and  
33 the type of assistance, the number of the units that are not  
34 government assisted, the number of bedrooms in each unit that is  
35 government assisted, and the ages and income of the affected  
36 tenants. The notice shall briefly describe the owner's plans for the  
37 project, including any timetables or deadlines for actions to be  
38 taken and specific governmental approvals that are required to be  
39 obtained, the reason the owner seeks to terminate the subsidy  
40 contract or prepay the mortgage, and any contacts the owner has

1 made or is making with other governmental agencies or other  
2 interested parties in connection with the notice. The owner shall  
3 also attach a copy of any federally required notice of the  
4 termination of the subsidy contract or prepayment that was  
5 provided at least six months prior to the proposed change. The  
6 information contained in the notice shall be based on data that is  
7 reasonably available from existing written tenant and project  
8 records.

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

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

24 (f) This section shall not require the owner to obtain or acquire  
25 additional information that is not contained in the existing tenant  
26 and project records, or to update any information in his or her  
27 records. The owner shall not be held liable for any inaccuracies  
28 contained in these records or from other sources, nor shall the  
29 owner be liable to any party for providing this information.

30 (g) For purposes of this section, service of the notice to the  
31 affected tenants, the city, county, or city and county, the appropriate  
32 local public housing authority, if any, and the Department of  
33 Housing and Community Development by the owner pursuant to  
34 subdivisions (b) to (e), inclusive, shall be made by first-class mail  
35 postage prepaid.

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

39 (i) If, prior to January 1, 2001, the owner has already accepted  
40 a bona fide offer from a qualified entity, as defined in subdivision

1 (c) of Section 65863.11, and has complied with this section as it  
2 existed prior to January 1, 2001, at the time the owner decides to  
3 sell or otherwise dispose of the development, the owner shall be  
4 deemed in compliance with this section.

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

8 (k) The Director of Housing and Community Development shall  
9 approve forms to be used by owners to comply with subdivisions  
10 (b) and (c). Once the director has approved the forms, an owner  
11 shall use the approved forms to comply with subdivisions (b) and  
12 (c).

13 *SEC. 13. Section 17913 of the Health and Safety Code is*  
14 *amended to read:*

15 17913. (a) The department shall notify the entities listed in  
16 subdivision (c) of the dates that each of the *international or*  
17 uniform codes published by the specific organizations described  
18 in paragraphs (1) to (5), inclusive, of subdivision (a) of Section  
19 17922 are approved by the California Building Standards  
20 Commission pursuant to Section 18930 and the effective date of  
21 the model codes as established by the California Building Standards  
22 Commission.

23 (b) The department may publish information bulletins regarding  
24 code enforcement as emergencies occur or at any other time the  
25 department determines appropriate.

26 (c) The department shall distribute the information described  
27 in subdivision (a), and may distribute the information described  
28 in subdivision (b), to the following entities:

29 (1) The building department in each county and city.

30 (2) Housing code officials, fire service officials, professional  
31 associations concerned with building standards, and any other  
32 persons or entities the department determines appropriate.

33 *SEC. 14. Section 17921.3 of the Health and Safety Code is*  
34 *repealed.*

35 ~~17921.3. (a) All water closets and urinals installed or sold in~~  
36 ~~this state shall meet performance, testing, and labeling requirements~~  
37 ~~established by the American Society of Mechanical Engineers~~  
38 ~~standard A112.19.2-2003, or A112.19.14-2001, as applicable. No~~  
39 ~~other marking and labeling requirements shall be required by the~~  
40 ~~state. All water closets and urinals installed or sold in this state~~

1 shall be listed by an American National Standards Institute  
2 accredited third-party certification agency to the appropriate  
3 American Society of Mechanical Engineers standards set forth in  
4 this subdivision. No other listing or certification requirements shall  
5 be required by the state.

6 (b) (1) All water closets sold or installed in this state shall use  
7 no more than an average of 1.6 gallons per flush. On and after  
8 January 1, 2014, all water closets, other than institutional water  
9 closets, sold or installed in this state shall be high-efficiency water  
10 closets.

11 (2) All urinals sold or installed in this state shall use no more  
12 than an average of one gallon per flush. On and after January 1,  
13 2014, all urinals, other than blow-out urinals, sold or installed in  
14 this state shall be high-efficiency urinals.

15 (3) Each manufacturer selling water closets or urinals in this  
16 state shall have not less than the following percentage of models  
17 offered for sale in this state of high-efficiency water closets plus  
18 high-efficiency urinals as compared to the total number of models  
19 of water closets plus urinals offered for sale in this state by that  
20 manufacturer:

21 (A) Fifty percent in 2010.

22 (B) Sixty-seven percent in 2011.

23 (C) Seventy-five percent in 2012.

24 (D) Eighty-five percent in 2013.

25 (E) One hundred percent in 2014 and thereafter.

26 (4) Each manufacturer that sells water closets or urinals in this  
27 state shall inform the State Energy Resources Conservation and  
28 Development Commission, the department, and the California  
29 Building Standards Commission, in writing, of the percentage of  
30 models of high-efficiency water closets plus high-efficiency urinals  
31 offered for sale in this state as compared to the total number of  
32 models of water closets plus urinals offered for sale in this state  
33 by that manufacturer for each year 2010 to 2013, inclusive, by  
34 January 30 of that year.

35 (e) Any city, county, or city and county may enact an ordinance  
36 to allow the sale and installation of nonlow-consumption water  
37 closets or urinals upon its determination that the unique  
38 configuration of building drainage systems or portions of a public  
39 sewer system within the jurisdiction, or both, requires a greater  
40 quantity of water to flush the system in a manner consistent with

1 public health. At the request of a public agency providing sewer  
2 services within the jurisdiction, the city, county, or city and county  
3 shall hold a public hearing on the need for an ordinance as provided  
4 in this subdivision. Prior to this hearing or to the enactment of the  
5 ordinance, those agencies responsible for the provision of water  
6 and sewer services within the jurisdiction, if other than the agency  
7 considering adoption of the ordinance, shall be given at least 30  
8 days' notice of the meeting at which the ordinance may be  
9 considered or adopted.

10 (d) Notwithstanding subdivision (b), on and after January 1,  
11 1994, water closets and urinals that do not meet the standards  
12 referenced in subdivision (b) may be sold or installed for use only  
13 under either of the following circumstances:

14 (1) Installation of the water closet or urinal to comply with the  
15 standards referenced in subdivision (b) would require modifications  
16 to plumbing system components located beneath a finished wall  
17 or surface.

18 (2) The nonlow-consumption water closets, urinals, and  
19 flushometer valves, if any, would be installed in a home or building  
20 that has been identified by a local, state, or federal governmental  
21 entity as a historical site and historically accurate water closets  
22 and urinals that comply with the flush volumes specified in  
23 subdivision (b) are not available.

24 (e) (1) This section does not preempt any actions of cities,  
25 counties, cities and counties, or districts that prescribe additional  
26 or more restrictive conservation requirements affecting either of  
27 the following:

28 (A) The sale, installation, or use of low-consumption water  
29 closets, urinals, and flushometer valves that meet the standards  
30 referenced in subdivision (a), (b), or (c).

31 (B) The continued use of nonlow-consumption water closets,  
32 urinals, and flushometer valves.

33 (2) This section does not grant any new or additional powers to  
34 cities, counties, cities and counties, or districts to promulgate or  
35 establish laws, ordinances, regulations, or rules governing the sale,  
36 installation, or use of low-consumption water closets, urinals, and  
37 flushometer valves.

38 (f) The California Building Standards Commission or the  
39 department may, by regulation, reduce the quantity of water per  
40 flush required pursuant to this section if deemed appropriate or

1 not inconsistent in light of other standards referenced in the most  
2 recent version of the California Plumbing Code, and may refer to  
3 successor standards to the standards referenced in this section if  
4 determined appropriate in light of standards referenced in the most  
5 recent version of the California Plumbing Code.

6 ~~(g) As used in this section, the following terms have the~~  
7 ~~following meanings:~~

8 (1) ~~“Blow-out urinal” means a urinal designed for heavy-duty~~  
9 ~~commercial applications that work on a powerful nonsiphonic~~  
10 ~~principle.~~

11 (2) ~~“High-efficiency water closet” means a water closet that is~~  
12 ~~either of the following:~~

13 (A) ~~A dual flush water closet with an effective flush volume~~  
14 ~~that does not exceed 1.28 gallons, where effective flush volume~~  
15 ~~is defined as the composite, average flush volume of two reduced~~  
16 ~~flushes and one full flush. Flush volumes shall be tested in~~  
17 ~~accordance with ASME A112.19.2 and ASME A112.19.14.~~

18 (B) ~~A single flush water closet where the effective flush volume~~  
19 ~~shall not exceed 1.28 gallons. The effective flush volume is the~~  
20 ~~average flush volume when tested in accordance with ASME~~  
21 ~~A112.19.2.~~

22 (3) ~~“High-efficiency urinal” means a urinal that uses no more~~  
23 ~~than 0.5 gallons per flush.~~

24 (4) ~~“Institutional water closet” means any water closet fixture~~  
25 ~~with a design not typically found in residential or commercial~~  
26 ~~applications or that is designed for a specialized application,~~  
27 ~~including, but not limited to, wall-mounted floor-outlet water~~  
28 ~~closets, water closets used in jails or prisons, water closets used~~  
29 ~~in bariatrics applications, and child water closets used in day care~~  
30 ~~facilities.~~

31 (5) ~~“Nonlow-consumption \_\_\_\_\_ flushometer \_\_\_\_\_ valve,”~~  
32 ~~“nonlow-consumption urinal,” and “nonlow-consumption water~~  
33 ~~closet” mean devices that use more than 1.6 gallons per flush for~~  
34 ~~toilets and more than 1.0 gallons per flush for urinals.~~

35 (6) ~~“Urinal” means a water-using urinal.~~

36 (7) ~~“Wall-mounted/wall-outlet water closets” means models~~  
37 ~~that are mounted on the wall and discharge to the drainage system~~  
38 ~~through the wall.~~

39 (h) ~~For purposes of this section, all consumption values shall~~  
40 ~~be determined by the test procedures contained in the American~~

1 ~~Society of Mechanical Engineers standard A112.19.2-2003 or~~  
2 ~~A112.19.14-2001.~~

3 ~~(i) This section shall remain operative only until January 1,~~  
4 ~~2014, or until the date on which the California Building Standards~~  
5 ~~Commission includes standards in the California Building~~  
6 ~~Standards Code that conform to this section, whichever date is~~  
7 ~~later.~~

8 *SEC. 15. Section 17921.9 of the Health and Safety Code is*  
9 *repealed.*

10 ~~17921.9. (a) The Legislature finds and declares all of the~~  
11 ~~following:~~

12 ~~(1) The deterioration of copper piping has become a serious~~  
13 ~~problem in various communities in the state.~~

14 ~~(2) Chlorinated polyvinyl chloride (CPVC) plastic piping has~~  
15 ~~been successfully used for many years in other states and in nations~~  
16 ~~around the globe, and has also been widely used, in accordance~~  
17 ~~with federal regulations, in mobilehome construction.~~

18 ~~(3) The Department of Community Development of the City of~~  
19 ~~Colton, acting pursuant to a good-faith belief that it was in~~  
20 ~~compliance with state regulations, approved the use of CPVC~~  
21 ~~piping as an alternative to copper piping in early 1993 when the~~  
22 ~~department was confronted with widespread deterioration of copper~~  
23 ~~piping systems in a tract in the western part of that city.~~

24 ~~(4) The retrofitting of homes in Colton with CPVC piping has~~  
25 ~~been successful.~~

26 ~~(b) It is, therefore, the intent of the Legislature in enacting this~~  
27 ~~section to allow the use of CPVC piping in building construction~~  
28 ~~in California as an alternate material under specified conditions.~~

29 ~~(c) Notwithstanding any other provision of law, the provisions~~  
30 ~~of the California Plumbing Code that do not authorize the use of~~  
31 ~~CPVC piping within California shall not apply to any local~~  
32 ~~government that permitted the use of CPVC piping for potable~~  
33 ~~water systems within its jurisdiction prior to January 1, 1996. Any~~  
34 ~~local government that permitted the use of CPVC piping for potable~~  
35 ~~water systems within its jurisdiction prior to January 1, 1996, shall~~  
36 ~~require both of the following:~~

37 ~~(1) That the CPVC piping to be used is listed as an approved~~  
38 ~~material in, and is installed in accordance with, the 1994 edition~~  
39 ~~of the Uniform Plumbing Code.~~

1 ~~(2) That all installations of CPVC strictly comply with the~~  
2 ~~interim flushing procedures and worker safety measures set forth~~  
3 ~~in subdivisions (d) and (e).~~

4 ~~(d) The following safe work practices shall be adhered to when~~  
5 ~~installing both CPVC and copper plumbing pipe in California after~~  
6 ~~the effective date of the act that adds this section:~~

7 ~~(1) (A) Employers shall provide education and training to~~  
8 ~~inform plumbers of risks, provide equipment and techniques to~~  
9 ~~help reduce exposures from plumbing pipe installation, foster safe~~  
10 ~~work habits, and post signs to warn against the drinking of~~  
11 ~~preoccupancy water.~~

12 ~~(B) For purposes of this paragraph, “training” shall include~~  
13 ~~training in ladder safety, safe use of chain saws and wood-boring~~  
14 ~~tools, hazards associated with other construction trades, hazards~~  
15 ~~from molten solder and flux, and the potential hazards and safe~~  
16 ~~use of soldering tools and materials.~~

17 ~~(2) Cleaners shall be renamed as primers, include strong~~  
18 ~~warnings on the hazards of using primers as cleaners, and include~~  
19 ~~dyes to discourage use as cleaners.~~

20 ~~(3) Applicators and daubers shall be limited to small sizes.~~

21 ~~(4) Enclosed spaces shall be ventilated with portable fans when~~  
22 ~~installing CPVC pipe.~~

23 ~~(5) Protective impermeable gloves shall be utilized when~~  
24 ~~installing CPVC pipe.~~

25 ~~(6) Employers shall provide onsite portable eyewash stations~~  
26 ~~for all employees to allow for immediate flushing of eyes in the~~  
27 ~~event of splashing of hot flux.~~

28 ~~(7) Employers using acetylene torches shall ensure that the~~  
29 ~~acetylene tanks are regularly maintained and inspected in~~  
30 ~~accordance with applicable regulatory requirements. Fire~~  
31 ~~extinguishers shall be kept in close proximity to the workplace.~~

32 ~~(e) All of the following flushing procedures shall be adhered to~~  
33 ~~when installing CPVC pipe in California after the effective date~~  
34 ~~of the act that adds this section:~~

35 ~~(1) When plumbing is completed and ready for pressure testing,~~  
36 ~~each cold water and hot water tap shall be flushed starting with~~  
37 ~~the fixture (basin, sink, tub, or shower) closest to the water meter~~  
38 ~~and continuing with each successive fixture, moving toward the~~  
39 ~~end of the system. Flushing shall be continued for at least one~~  
40 ~~minute or longer until water appears clear at each fixture. This~~



1 step may be omitted if a jurisdiction requires the building inspector  
2 to test each water system:

3 ~~(2) The system shall be kept filled with water for at least one~~  
4 ~~week and then flushed in accordance with the procedures set forth~~  
5 ~~in paragraph (1). The system shall be kept filled with water and~~  
6 ~~not drained.~~

7 ~~(3) Before the premises are occupied, the hot water heater shall~~  
8 ~~be turned on and the system shall be flushed once more.~~  
9 ~~Commencing with the fixture closest to the hot water heater, the~~  
10 ~~hot water tap shall be permitted to run until hot water is obtained.~~  
11 ~~The time required to get hot water in a specific tap shall be~~  
12 ~~determined and then the cold water tap at the same location shall~~  
13 ~~be turned on for the same period of time. This procedure shall be~~  
14 ~~repeated for each fixture in succession toward the end of the~~  
15 ~~system.~~

16 ~~(f) Nothing in this section shall be construed to affect the~~  
17 ~~applicability of any existing law imposing liability on a~~  
18 ~~manufacturer, distributor, retailer, installer, or any other person or~~  
19 ~~entity under the laws of this state for liability.~~

20 ~~(g) This section shall not be operative after January 1, 1998.~~

21 *SEC. 16. Section 17922 of the Health and Safety Code is*  
22 *amended to read:*

23 17922. (a) Except as otherwise specifically provided by law,  
24 the building standards adopted and submitted by the department  
25 for approval pursuant to Chapter 4 (commencing with Section  
26 18935) of Part 2.5, and the other rules and regulations that are  
27 contained in Title 24 of the California Code of Regulations, as  
28 adopted, amended, or repealed from time to time pursuant to this  
29 chapter shall be adopted by reference, except that the building  
30 standards and rules and regulations shall include any additions or  
31 deletions made by the department. The building standards and  
32 rules and regulations shall impose substantially the same  
33 requirements as are contained in the most recent editions of the  
34 following *international* or uniform industry codes as adopted by  
35 the organizations specified:

36 (1) The Uniform Housing Code of the International Conference  
37 of Building Officials, except its definition of “substandard  
38 building.”

39 (2) ~~The Uniform International Building Code of the~~  
40 ~~International Conference of Building Officials. Code Council.~~

1 (3) *The International Residential Code of the International Code*  
2 *Council.*

3 ~~(3)~~

4 (4) *The Uniform Plumbing Code of the International Association*  
5 *of Plumbing and Mechanical Officials.*

6 ~~(4)~~

7 (5) *The Uniform Mechanical Code of the International*  
8 *Conference of Building Officials and the International Association*  
9 *of Plumbing and Mechanical Officials.*

10 ~~(5)~~

11 (6) *The National Electrical Code of the National Fire Protection*  
12 *Association.*

13 ~~(6) Appendix Chapter 1 of the Uniform Code for Building~~  
14 ~~*Conservation of the International Conference of Building Officials.*~~

15 (7) *The International Existing Building Code of the International*  
16 *Code Council.*

17 (b) In adopting building standards for approval pursuant to  
18 Chapter 4 (commencing with Section 18935) of Part 2.5 for  
19 publication in the California Building Standards Code and in  
20 adopting other regulations, the department shall consider local  
21 conditions and any amendments to the *international or* uniform  
22 codes referred to in this section. Except as provided in Part 2.5  
23 (commencing with Section 18901), in the absence of adoption by  
24 regulation, the most recent editions of the *international or* uniform  
25 codes referred to in this section shall be considered to be adopted  
26 one year after the date of publication of the *applicable international*  
27 *or* uniform codes.

28 (c) Except as provided in Section 17959.5, local use zone  
29 requirements, local fire zones, building setback, side and rear yard  
30 requirements, and property line requirements are hereby  
31 specifically and entirely reserved to the local jurisdictions  
32 notwithstanding any requirements found or set forth in this part.

33 (d) Regulations other than building standards which are adopted,  
34 amended, or repealed by the department, and building standards  
35 adopted and submitted by the department for approval pursuant  
36 to Chapter 4 (commencing with Section 18935) of Part 2.5,  
37 governing alteration and repair of existing buildings and moving  
38 of apartment houses and dwellings shall permit the replacement,  
39 retention, and extension of original materials and the continued  
40 use of original methods of construction as long as the hotel,

1 lodginghouse, motel, apartment house, or dwelling, or portions  
2 thereof, or building and structure accessory thereto, complies with  
3 the provisions published in the California Building Standards Code  
4 and the other rules and regulations of the department or alternative  
5 local standards adopted pursuant to subdivision (b) of Section  
6 13143.2 or Section 17958.5 and does not become or continue to  
7 be a substandard building. Building additions or alterations which  
8 increase the area, volume, or size of an existing building, and  
9 foundations for apartment houses and dwellings moved, shall  
10 comply with the requirements for new buildings or structures  
11 specified in this part, or in building standards published in the  
12 California Building Standards Code, or in the other rules and  
13 regulations adopted pursuant to this part. However, the additions  
14 and alterations shall not cause the building to exceed area or height  
15 limitations applicable to new construction.

16 (e) Regulations other than building standards which are adopted  
17 by the department and building standards adopted and submitted  
18 by the department for approval pursuant to Chapter 4 (commencing  
19 with Section 18935) of Part 2.5 governing alteration and repair of  
20 existing buildings shall permit the use of alternate materials,  
21 appliances, installations, devices, arrangements, or methods of  
22 construction if the material, appliance, installation, device,  
23 arrangement, or method is, for the purpose intended, at least the  
24 equivalent of that prescribed in this part, the building standards  
25 published in the California Building Standards Code, and the rules  
26 and regulations promulgated pursuant to the provisions of this part  
27 in performance, safety, and for the protection of life and health.  
28 Regulations governing abatement of substandard buildings shall  
29 permit those conditions prescribed by Section 17920.3 which do  
30 not endanger the life, limb, health, property, safety, or welfare of  
31 the public or the occupant thereof.

32 (f) A local enforcement agency may not prohibit the use of  
33 materials, appliances, installations, devices, arrangements, or  
34 methods of construction specifically permitted by the department  
35 to be used in the alteration or repair of existing buildings, but those  
36 materials, appliances, installations, devices, arrangements, or  
37 methods of construction may be specifically prohibited by local  
38 ordinance as provided pursuant to Section 17958.5.

39 (g) A local ordinance may not permit any action or proceeding  
40 to abate violations of regulations governing maintenance of existing

1 buildings, unless the building is a substandard building or the  
2 violation is a misdemeanor.

3 *SEC. 17. Section 17922.3 of the Health and Safety Code is*  
4 *amended to read:*

5 17922.3. Notwithstanding any other provision of law, a  
6 residential structure that is moved into, or within, the jurisdiction  
7 of a local agency or the department, shall not be ~~treated, for the~~  
8 ~~purposes of Section 104 of the 1991 Edition of the Uniform~~  
9 ~~Building Code,~~ *treated* as a new building or structure, but rather  
10 shall be treated, for the purposes of this part, as subject to Section  
11 17958.9.

12 *SEC. 18. Section 17958.1 of the Health and Safety Code is*  
13 *amended to read:*

14 17958.1. Notwithstanding Sections 17922, 17958, and 17958.5,  
15 ~~a city~~ *city, county, or city and county* may, by ordinance, permit  
16 efficiency units for occupancy by no more than two persons which  
17 have a minimum floor area of 150 square feet and which may also  
18 have partial kitchen or bathroom facilities, as specified by the  
19 ordinance. In all other respects, these efficiency units shall conform  
20 to minimum standards for those occupancies otherwise made  
21 applicable pursuant to this part.

22 “Efficiency unit,” as used in this section, has the same meaning  
23 specified in the ~~Uniform International Building Code of the~~  
24 ~~International Conference of Building Officials, Code Council,~~ as  
25 incorporated by reference in ~~Chapter 2-12 of Part 2 of Title 24 of~~  
26 the California Code of Regulations.

27 *SEC. 19. Section 17959.1 of the Health and Safety Code is*  
28 *amended to read:*

29 17959.1. (a) A city or county shall administratively approve  
30 applications to install solar energy systems ~~though~~ *through* the  
31 issuance of a building permit or similar nondiscretionary permit.  
32 However, if the building official of the city or county has a good  
33 faith belief that the solar energy system could have a specific,  
34 adverse impact upon the public health and safety, the city or county  
35 may require the applicant to apply for a use permit.

36 (b) A city or county may not deny an application for a use permit  
37 to install a solar energy system unless it makes written findings  
38 based upon substantial evidence in the record that the proposed  
39 installation would have a specific, adverse impact upon the public  
40 health or safety, and there is no feasible method to satisfactorily

1 mitigate or avoid the specific, adverse impact. This finding shall  
2 include the basis for the rejection of potential feasible alternatives  
3 of preventing the adverse impact.

4 (c) Any conditions imposed on an application to install a solar  
5 energy system must be designed to mitigate the specific, adverse  
6 impact upon the public health and safety at the lowest cost possible.

7 (d) (1) A solar energy system shall meet applicable health and  
8 safety standards and requirements imposed by state and local  
9 permitting authorities.

10 (2) A solar energy system for heating water shall be certified  
11 by the Solar Rating Certification Corporation (SRCC) or other  
12 nationally recognized certification agency. SRCC is a nonprofit  
13 third party supported by the United States Department of Energy.  
14 The certification shall be for the entire solar energy system and  
15 installation.

16 (3) A solar energy system for producing electricity shall meet  
17 all applicable safety and performance standards established by the  
18 National Electrical Code, the Institute of Electrical and Electronics  
19 Engineers, and accredited testing laboratories such as Underwriters  
20 Laboratories and, where applicable, rules of the Public Utilities  
21 Commission regarding safety and reliability.

22 (e) The following definitions apply to this section:

23 (1) “A feasible method to satisfactorily mitigate or avoid the  
24 specific, adverse impact” includes, but is not limited to, any cost  
25 effective method, condition, or mitigation imposed by a city or  
26 county on another similarly situated application in a prior  
27 successful application for a permit. A city or county shall use its  
28 best efforts to ensure that the selected method, condition, or  
29 mitigation meets the conditions of subparagraphs (A) and (B) of  
30 paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

31 (2) “Solar energy system” has the meaning set forth in  
32 paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the  
33 Civil Code.

34 (3) A “specific, adverse impact” means a significant,  
35 quantifiable, direct, and unavoidable impact, based on objective,  
36 identified, and written public health or safety standards, policies,  
37 or conditions as they existed on the date the application was  
38 deemed complete.

1     ~~SEC. 10.~~

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

4     18080.5. (a) A numbered report of sale, lease, or rental form  
5 issued by the department shall be submitted each time the following  
6 transactions occur by or through a dealer:

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

10        (2) Whenever a manufactured home, mobilehome, or  
11 commercial coach not previously registered in this state is sold,  
12 rented, leased, leased with an option to buy, or otherwise  
13 transferred.

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

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

18           (2) All fees and penalties due for the transaction that were  
19 required to be reported with the report of sale, lease, or rental form  
20 shall be paid to the department within 10 calendar days from the  
21 date the transaction is completed, as specified by subdivision (e).  
22 Penalties due for noncompliance with this paragraph shall be paid  
23 by the dealer. The dealer shall not charge the consumer for those  
24 penalties.

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

27           (4) The original report of sale, lease, or rental form, together  
28 with all required documents to report the transaction or make  
29 application to register or transfer a manufactured home,  
30 mobilehome, or commercial coach, shall be forwarded to the  
31 department. Any application shall be submitted within 10 calendar  
32 days from the date the transaction was required to be reported, as  
33 defined by subdivision (e).

34        (c) A manufactured home, mobilehome, or commercial coach  
35 displaying a copy of the report of sale, lease, or rental may be  
36 occupied without registration decals or registration card until the  
37 registration decals and registration card are received by the  
38 purchaser.

39        (d) In addition to the other requirements of this section, every  
40 dealer upon transferring by sale, lease, or otherwise any

1 manufactured home or mobilehome shall, not later than the 10th  
2 calendar day thereafter, not counting the date of sale, give written  
3 notice of the transfer to the assessor of the county where the  
4 manufactured home or mobilehome is to be installed. The written  
5 notice shall be upon forms provided by the department containing  
6 any information that the department may require, after consultation  
7 with the assessors. Filing of a copy of the notice with the assessor  
8 in accordance with this section shall be in lieu of filing a change  
9 of ownership statement pursuant to Sections 480 and 482 of the  
10 Revenue and Taxation Code.

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

16 (1) The purchaser of any commercial coach has signed a  
17 purchase contract or security agreement or paid any purchase price,  
18 the lessee of a new commercial coach has signed a lease agreement  
19 or lease with an option to buy or paid any purchase price, or the  
20 lessee of a used commercial coach has either signed a lease with  
21 an option to buy or paid any purchase price, and the purchaser or  
22 lessee has taken physical possession or delivery of the commercial  
23 coach.

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

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

29 (f) The department shall charge a fee, not to exceed forty-five  
30 dollars (\$45), for processing the notice of disposal and any  
31 information required for completing the disposal process required  
32 pursuant to ~~Section~~ Sections 798.56a and 798.61 of the Civil Code.

33 (g) Notwithstanding any other law, the Department of Housing  
34 and Community Development may adopt guidelines related to  
35 procedures and forms to implement the new disposal procedures  
36 in Chapter 376 of the Statutes of 2015, until regulations are adopted  
37 by the department to replace those guidelines.

38 ~~SEC. 11.~~

39 *SEC. 21.* Section 18935 of the Health and Safety Code is  
40 amended to read:

1 18935. (a) Notice of proposed building standards shall be  
2 given and hearings shall be held by the adopting agencies, as  
3 required by the Administrative Procedure Act, prior to the adoption  
4 of the building standards and submission to the commission for  
5 approval. The notice of proposed building standards and the initial  
6 statement of reasons for the proposed building standards shall  
7 comply with Article 5 (commencing with Section 11346) of  
8 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government  
9 Code. The adopting agency or state agency that proposes the  
10 building standards shall submit the notice and initial statement of  
11 reasons for proposed building standards to the California Building  
12 Standards Commission, which shall review them for compliance  
13 with Article 5 (commencing with Section 11346) of Chapter 3.5  
14 of Part 1 of Division 3 of Title 2 of the Government Code. If the  
15 commission determines that the adopting agency or state agency  
16 that proposes the building standards has complied with Article 5  
17 (commencing with Section 11346) of Chapter 3.5 of Part 1 of  
18 Division 3 of Title 2 of the Government Code, the commission  
19 shall approve the notice and initial statement of reasons for  
20 proposed building standards, and submit the notice to the Office  
21 of Administrative Law for the sole purpose of inclusion in the  
22 California Regulatory Notice Register. The Office of  
23 Administrative Law shall publish only those notices of proposed  
24 building standards which have been approved by, and submitted  
25 to, the office by the California Building Standards Commission.

26 (b) In order to ensure an absence of conflict between hearings  
27 and a maximum opportunity for interested parties to be heard, no  
28 hearings by adopting agencies shall be conducted unless the time  
29 and place thereof has been approved in writing by the commission  
30 prior to public notices of the hearing being given by the adopting  
31 agencies.

32 (c) If, after building standards are submitted to the commission  
33 for approval, the commission requires changes therein as a  
34 condition for approval, and the changes are made, no additional  
35 hearing by the affected state agency shall be required in connection  
36 with making the changes when the commission determines the  
37 changes are nonsubstantial, solely grammatical in nature, or are  
38 sufficiently related to the text submitted to the commission for  
39 approval that the public was adequately placed on notice that the



1 change could result from the originally proposed building  
2 standards.

3 *SEC. 22. Section 19990 of the Health and Safety Code is*  
4 *amended to read:*

5 19990. (a) Except as provided in Section 18930, the department  
6 shall adopt rules and regulations to interpret and make specific  
7 this part. The department shall adopt and submit building standards  
8 for approval pursuant to Chapter 4 (commencing with Section  
9 18935) of Part 2.5 of this division for the purposes described in  
10 this section. Standards adopted, amended, or repealed from time  
11 to time by the department pursuant to this chapter shall include  
12 provisions imposing requirements reasonably consistent with  
13 recognized and accepted standards contained in the most recent  
14 editions of the following uniform industry codes as adopted or  
15 amended from time to time by the organizations specified:

16 (1) The Uniform Housing Code of the International Conference  
17 of Building Officials.

18 (2) The ~~Uniform~~ *International Building Code* of the  
19 ~~International Conference of Building Officials~~. *Code Council.*

20 (3) *The International Residential Code of the International Code*  
21 *Council.*

22 ~~(3)~~

23 (4) The Uniform Plumbing Code of the International Association  
24 of Plumbing and Mechanical Officials.

25 ~~(4)~~

26 (5) The Uniform Mechanical Code of the ~~International~~  
27 ~~Conference of Building Officials and the International Association~~  
28 of Plumbing and Mechanical Officials.

29 ~~(5)~~

30 (6) The National Electrical Code of the National Fire Protection  
31 Association.

32 (b) The department shall require every city and county to file  
33 with the department all wind pressure and snow load requirements  
34 in effect within their respective jurisdictions if these requirements  
35 differ from building standards published in the State Building  
36 Standards Code, on or before January 1 of each year. The  
37 department shall notify every manufacturer of factory-built housing  
38 of these requirements on or before March 1 of each year.

39 (c) Except as provided in Section 18930, the department shall  
40 adopt other rules and regulations as it deems necessary to carry

1 out this part. In promulgating these other rules and regulations the  
 2 department shall consider any amendments to the ~~uniform model~~  
 3 codes referred to in this section. In the event of any conflict with  
 4 respect to factory-built housing between Part 1.5 (commencing  
 5 with Section 17910) and this part, the requirements of this part  
 6 shall control.

7 ~~SEC. 12.~~

8 *SEC. 23.* Section 50074 of the Health and Safety Code is  
 9 amended to read:

10 50074. “Housing sponsor,” for the purpose of housing assisted  
 11 by the department, means any individual, joint venture, partnership,  
 12 limited partnership, trust, corporation, limited equity housing  
 13 cooperative, cooperative, local public entity, duly constituted  
 14 governing body of an Indian reservation or rancheria, tribally  
 15 designated housing entity, or other legal entity, or any combination  
 16 thereof, certified by the agency pursuant to rules and regulations  
 17 of the agency as qualified to either own, construct, ~~acquire~~ *acquire*,  
 18 or rehabilitate a housing development, whether for profit, nonprofit,  
 19 or organized for limited profit, and subject to the regulatory powers  
 20 of the agency pursuant to rules and regulations of the agency and  
 21 other terms and conditions set forth in this division. “Housing  
 22 sponsor” includes persons and families of low or moderate income  
 23 who are approved by the agency as eligible to own and occupy a  
 24 housing development and individuals and legal entities receiving  
 25 property improvement loans through the agency.

26 ~~SEC. 13.~~

27 *SEC. 24.* Section 50104.6.5 is added to the Health and Safety  
 28 Code, to read:

29 50104.6.5. “Tribally designated housing entity” means an entity  
 30 as defined in Section 4103 of Title 25 of the United States Code.  
 31 For the purposes of determining the eligibility of an applicant for  
 32 funding under a program authorized by Part 2 (commencing with  
 33 Section 50400), references to a local public entity, nonprofit  
 34 corporation, nonprofit housing sponsor, or governing body of an  
 35 Indian reservation or rancheria in any statute included in, or in any  
 36 regulation promulgated to implement, Part 2 (commencing with  
 37 Section 50400) shall be deemed to include a tribally designated  
 38 housing entity.

1 ~~SEC. 14.~~

2 *SEC. 25.* Chapter 4.7 (commencing with Section 50580) of  
3 Part 2 of Division 31 of the Health and Safety Code is repealed.

4 ~~SEC. 15.~~

5 *SEC. 26.* Section 50784.7 of the Health and Safety Code is  
6 amended to read:

7 50784.7. (a) The department may make loans to resident  
8 organizations or qualified nonprofit sponsors from the Mobilehome  
9 Park Rehabilitation and Purchase Fund for the purpose of assisting  
10 lower income homeowners to do any of the following:

- 11 (1) Make repairs to their mobilehomes.
- 12 (2) Make accessibility-related upgrades to their mobilehomes.
- 13 (3) Replace their mobilehomes.

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

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

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

24 (c) The department may adopt guidelines to implement this  
25 section.