

AMENDED IN ASSEMBLY AUGUST 1, 2016

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, 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, 50784.7, and 50800.5 of~~, to add Section 50104.6.5 to, 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.

(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.

(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.

(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.

(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 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.

(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.

(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.

(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 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.

(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, 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.

(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.

(17) Existing law requires the Department of Housing and Community Development to administer the Emergency Housing and Assistance Program. Under the program, moneys from the continuously appropriated Emergency Housing and Assistance Fund are available for the purposes of providing shelter, as specified, to homeless persons at as low a cost and as quickly as possible, without compromising the health and safety of shelter occupants, to encourage the move of homeless persons from shelters to a self-supporting environment as soon as possible, to encourage provision of services for as many persons at risk of homelessness as possible, to encourage compatible and effective funding of homeless services, and to encourage coordination among public agencies that fund or provide services to homeless individuals, as well as agencies that discharge people from their institutions.

The Housing and Emergency Shelter Trust Fund Acts of 2002 and 2006, enacted as Proposition 46 at the November 5, 2002, statewide general election and Proposition 1C at the November 7, 2006, statewide general election, respectively, authorized the issuance of bonds pursuant to the State General Obligation Bond Law to fund various housing programs administered by the department, including the Multifamily Housing Program. Under the acts, specified amounts of funds are

transferred to the Emergency Housing and Assistance Fund to be distributed in the form of capital development grants under the Emergency Housing and Assistance Program and for supportive housing.

This bill would authorize the department to transfer any unobligated Proposition 46 and Proposition 1C bond funds in the Emergency Housing and Assistance Fund to the Housing Rehabilitation Loan Fund, less any funds needed for state operations to support outstanding awards as determined by the Department of Housing and Community Development, to be expended for the Multifamily Housing Program for supportive housing for a specified target population.

By authorizing additional moneys to be transferred to a continuously appropriated fund, 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:
- 4 (1) An owner who builds or improves a structure on his or her
- 5 property, provided that both of the following conditions are met:
- 6 (A) None of the improvements are intended or offered for sale.
- 7 (B) The property owner personally performs all of the work or
- 8 any work not performed by the owner is performed by the owner’s
- 9 employees with wages as their sole compensation.
- 10 (2) An owner who builds or improves a structure on his or her
- 11 property, provided that both of the following conditions are met:
- 12 (A) The owner directly contracts with licensees who are duly
- 13 licensed to contract for the work of the respective trades involved
- 14 in completing the project.
- 15 (B) For projects involving single-family residential structures,
- 16 no more than four of these structures are intended or offered for
- 17 sale in a calendar year. This subparagraph shall not apply if the
- 18 owner contracts with a general contractor for the construction.
- 19 (3) A homeowner improving his or her principal place of
- 20 residence or appurtenances thereto, provided that all of the
- 21 following conditions exist:
- 22 (A) The work is performed prior to sale.

1 (B) The homeowner has actually resided in the residence for
2 the 12 months prior to completion of the work.

3 (C) The homeowner has not availed himself or herself of the
4 exemption in this paragraph on more than two structures more
5 than once during any three-year period.

6 (4) A nonprofit corporation providing assistance to an
7 owner-builder, as defined in subdivision (a) of Section 50692 of
8 the Health and Safety Code, who is participating in a mutual
9 self-help housing program, as defined in Section 50078 of the
10 Health and Safety Code.

11 (b) In all actions brought under this chapter, both of the
12 following shall apply:

13 (1) Except as provided in paragraph (2), proof of the sale or
14 offering for sale of a structure by or for the owner-builder within
15 one year after completion of the structure constitutes a rebuttable
16 presumption affecting the burden of proof that the structure was
17 undertaken for purposes of sale.

18 (2) Proof of the sale or offering for sale of five or more
19 structures by the owner-builder within one year after completion
20 constitutes a conclusive presumption that the structures were
21 undertaken for purposes of sale.

22 SEC. 2. Section 798.56a of the Civil Code is amended to read:

23 798.56a. (a) Within 60 days after receipt of, or no later than
24 65 days after the mailing of, the notice of termination of tenancy
25 pursuant to any reason provided in Section 798.56, the legal owner,
26 if any, and each junior lienholder, if any, shall notify the
27 management in writing of at least one of the following:

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

35 (2) Its intention to foreclose on its security interest in the
36 mobilehome.

37 (3) Its request that the management pursue the termination of
38 tenancy against the homeowner and its offer to reimburse
39 management for the reasonable attorney's fees and court costs
40 incurred by the management in that action. If this request and offer

1 are made, the legal owner, if any, or junior lienholder, if any, shall
2 reimburse the management the amount of reasonable attorney's
3 fees and court costs, as agreed upon by the management and the
4 legal owner or junior lienholder, incurred by the management in
5 an action to terminate the homeowner's tenancy, on or before the
6 earlier of (A) the 60th calendar day following receipt of written
7 notice from the management of the aggregate amount of those
8 reasonable attorney's fees and costs or (B) the date the mobilehome
9 is resold.

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

14 (1) The legal owner, if any, or junior lienholder, if any, notifies
15 management in writing of the intention to exercise either option
16 described in paragraph (2) or (3) of subdivision (a) within 60 days
17 following receipt of, or no later than 65 days after the mailing of,
18 the notice of termination of tenancy and satisfies all of the
19 responsibilities and liabilities of the homeowner owing to the
20 management for the 90 days preceding the mailing of the notice
21 of termination of tenancy and then continues to satisfy these
22 responsibilities and liabilities as they accrue from the date of the
23 mailing of that notice until the date the mobilehome is resold.

24 (2) Within 60 days following receipt of, or no later than 65 days
25 after the mailing of, the notice of termination of tenancy, the legal
26 owner or junior lienholder commences all repairs and necessary
27 corrective actions so that the mobilehome complies with park rules
28 and regulations in existence at the time the notice of termination
29 of tenancy was given as well as the health and safety standards
30 specified in Sections 18550, 18552, and 18605 of the Health and
31 Safety Code, and completes these repairs and corrective actions
32 within 90 calendar days of that notice, or before the date that the
33 mobilehome is sold, whichever is earlier.

34 (3) The legal owner, if any, or junior lienholder, if any, complies
35 with the requirements of Article 7 (commencing with Section
36 798.70) as it relates to the transfer of the mobilehome to a third
37 party.

38 (c) For purposes of subdivision (b), the "homeowner's
39 responsibilities and liabilities" means all rents, utilities, reasonable
40 maintenance charges of the mobilehome and its premises, and

1 reasonable maintenance of the mobilehome and its premises
2 pursuant to existing park rules and regulations.

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

6 (e) (1) Notwithstanding any other provision of law, including,
7 but not limited to, Section 18099.5 of the Health and Safety Code,
8 if neither the legal owner nor a junior lienholder notifies the
9 management of its decision pursuant to subdivision (a) within the
10 period allowed, or performs as agreed within 30 days, or if a
11 registered owner of a mobilehome, that is not encumbered by a
12 lien held by a legal owner or a junior lienholder, fails to comply
13 with a notice of termination and is either legally evicted or vacates
14 the premises, the management may either remove the mobilehome
15 from the premises and place it in storage or store it on its site. In
16 this case, notwithstanding any other provision of law, the
17 management shall have a warehouse lien in accordance with
18 Section 7209 of the Commercial Code against the mobilehome for
19 the costs of dismantling and moving, if appropriate, as well as
20 storage, that shall be superior to all other liens, except the lien
21 provided for in Section 18116.1 of the Health and Safety Code,
22 and may enforce the lien pursuant to Section 7210 of the
23 Commercial Code either after the date of judgment in an unlawful
24 detainer action or after the date the mobilehome is physically
25 vacated by the resident, whichever occurs earlier. Upon completion
26 of any sale to enforce the warehouse lien in accordance with
27 Section 7210 of the Commercial Code, the management shall
28 provide the purchaser at the sale with evidence of the sale, as shall
29 be specified by the Department of Housing and Community
30 Development, that shall, upon proper request by the purchaser of
31 the mobilehome, register title to the mobilehome to this purchaser,
32 whether or not there existed a legal owner or junior lienholder on
33 this title to the mobilehome.

34 (2) (A) Notwithstanding any other law, if the management of
35 a mobilehome park acquires a mobilehome after enforcing the
36 warehouse lien and files a notice of disposal pursuant to
37 subparagraph (B) with the Department of Housing and Community
38 Development to designate the mobilehome for disposal,
39 management or any other person enforcing this warehouse lien
40 shall not be required to pay past or current vehicle license fees

1 required by Section 18115 of the Health and Safety Code or obtain
2 a tax clearance certificate, as set forth in Section 5832 of the
3 Revenue and Taxation Code, provided that management notifies
4 the county tax collector in the county in which the mobilehome is
5 located of management's intent to apply to have the mobilehome
6 designated for disposal after a warehouse lien sale. The written
7 notice shall be sent to the county tax collector no less than 30 days
8 after the date of the sale to enforce the lien against the mobilehome
9 by first class mail, postage prepaid.

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

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

18 (C) (i) Within 30 days of the date of the disposal of the
19 mobilehome, the management shall submit to the Department of
20 Housing and Community Development all of the following
21 information required for completing the disposal process:

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

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

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

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

33 (D) For purposes of this paragraph, "dispose" or "disposal"
34 shall mean the removal and destruction of an abandoned
35 mobilehome from a mobilehome park, thus making it unusable
36 for any purpose and not subject to, or eligible for, use in the future
37 as a mobilehome.

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

1 (g) Satisfaction, pursuant to this section, of the homeowner's
2 accrued or accruing responsibilities and liabilities shall not cure
3 the default of the homeowner.

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

5 798.61. (a) (1) As used in this section, "abandoned
6 mobilehome" means a mobilehome about which all of the
7 following are true:

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

10 (B) It is unoccupied.

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

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

13 (2) As used in this section:

14 (A) "Mobilehome" shall include a trailer coach, as defined in
15 Section 635 of the Vehicle Code, or a recreational vehicle, as
16 defined in Section 18010 of the Health and Safety Code, if the
17 trailer coach or recreational vehicle also satisfies the requirements
18 of paragraph (1), including being located on any site within a
19 mobilehome park, even if the site is in a separate designated section
20 pursuant to Section 18215 of the Health and Safety Code.

21 (B) "Abandoned mobilehome" shall include a mobilehome that
22 is uninhabitable because of its total or partial destruction that
23 cannot be rehabilitated, if the mobilehome also satisfies the
24 requirements of paragraph (1).

25 (C) "Dispose" or "disposal" shall mean the removal and
26 destruction of an abandoned mobilehome from a mobilehome park,
27 thus making it unusable for any purpose and not subject to, or
28 eligible for, use in the future as a mobilehome.

29 (b) After determining a mobilehome in a mobilehome park to
30 be an abandoned mobilehome, the management shall post a notice
31 of belief of abandonment on the mobilehome for not less than 30
32 days, and shall deposit copies of the notice in the United States
33 mail, postage prepaid, addressed to the homeowner at the last
34 known address and to any known registered owner, if different
35 from the homeowner, and to any known holder of a security interest
36 in the abandoned mobilehome. This notice shall be mailed by
37 registered or certified mail with a return receipt requested.

38 (c) (1) Thirty or more days following posting pursuant to
39 subdivision (b), the management may file a petition in the superior
40 court in the county in which the mobilehome park is located, for

1 a judicial declaration of abandonment of the mobilehome. A
2 proceeding under this subdivision is a limited civil case. Copies
3 of the petition shall be served upon the homeowner, any known
4 registered owner, and any known person having a lien or security
5 interest of record in the mobilehome by posting a copy on the
6 mobilehome and mailing copies to those persons at their last known
7 addresses by registered or certified mail with a return receipt
8 requested in the United States mail, postage prepaid.

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

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

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

17 (C) Notify the county tax collector in the county in which the
18 mobilehome park is located of the declaration that management
19 will dispose of the abandoned mobilehome by sending a copy of
20 the petition by first class mail.

21 (D) Declare in the petition that management intends to file a
22 notice of disposal with the Department of Housing and Community
23 Development and complete the disposal process consistent with
24 the requirements of subdivision (f).

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

27 (2) If, at the hearing, the petitioner shows by a preponderance
28 of the evidence that the criteria for an abandoned mobilehome has
29 been satisfied and no party establishes an interest therein at the
30 hearing and tenders all past due rent and other charges, the court
31 shall enter a judgment of abandonment, determine the amount of
32 charges to which the petitioner is entitled, and award attorney's
33 fees and costs to the petitioner. For purposes of this subdivision,
34 an interest in the mobilehome shall be established by evidence of
35 a right to possession of the mobilehome or a security or ownership
36 interest in the mobilehome.

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

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

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

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

14 (C) At any time prior to the sale of an abandoned mobilehome
15 or its contents under this section, any person having a right to
16 possession of the abandoned mobilehome may recover and remove
17 it from the premises upon payment to the management of all rent
18 or other charges due, including reasonable costs of storage and
19 other costs awarded by the court. Upon receipt of this payment
20 and removal of the abandoned mobilehome from the premises
21 pursuant to this paragraph, the management shall immediately file
22 an acknowledgment of satisfaction of judgment pursuant to Section
23 724.030 of the Code of Civil Procedure.

24 (2) Following the judgment of abandonment, but not less than
25 10 days following the notice of sale specified in paragraph (1), the
26 management may conduct a public sale of the abandoned
27 mobilehome, its contents, or both. The management may bid at
28 the sale and shall have the right to offset its bids to the extent of
29 the total amount due it under this section. The proceeds of the sale
30 shall be retained by the management, but any unclaimed amount
31 thus retained over and above the amount to which the management
32 is entitled under this section shall be deemed abandoned property
33 and shall be paid into the treasury of the county in which the sale
34 took place within 30 days of the date of the sale. The former
35 homeowner or any other owner may claim any or all of that
36 unclaimed amount within one year from the date of payment to
37 the county by making application to the county treasurer or other
38 official designated by the county. If the county pays any or all of
39 that unclaimed amount to a claimant, neither the county nor any

1 officer or employee of the county is liable to any other claimant
2 as to the amount paid.

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

7 (4) The management shall provide the purchaser at the sale of
8 an abandoned mobilehome with a copy of the judgment of
9 abandonment and evidence of the sale, as shall be specified by the
10 Department of Housing and Community Development, which shall
11 register title in the abandoned mobilehome to the purchaser upon
12 presentation thereof within 20 days of purchase. The sale shall
13 pass title to the purchaser free of any prior interest, including any
14 security interest or lien, except the lien provided for in Section
15 18116.1 of the Health and Safety Code, in the abandoned
16 mobilehome.

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

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

23 (B) Within 10 days following a judgment of abandonment, the
24 management shall post and mail a notice of intent to dispose of
25 the abandoned mobilehome and its contents under this section,
26 and announcing the date of disposal, in the same manner as
27 provided for the notice of determination of abandonment under
28 subdivision (b). The management shall also provide notice to the
29 county tax collector in the county in which the mobilehome park
30 is located.

31 (C) (i) Within 30 days following a judgment of abandonment,
32 the management shall file a notice of disposal with the Department
33 of Housing and Community Development in the form and manner
34 as prescribed by the department.

35 (ii) Notwithstanding any other law, when filing a notice of
36 disposal pursuant to clause (i), the management shall not be
37 required to pay past or current vehicle license fees required by
38 Section 18115 of the Health and Safety Code or obtain a tax
39 clearance certificated as set forth in Section 5832 of the Revenue
40 and Taxation Code, provided that the management notifies the

1 county tax collector in the county in which the mobilehome is
2 located of the management's intent to apply to have the
3 mobilehome designated for disposal pursuant to this subdivision.
4 The written notice shall be sent to the county tax collector no less
5 than 10 days after the date of the abandonment judgment by first
6 class mail, postage prepaid.

7 (D) At any time prior to the disposal of an abandoned
8 mobilehome or its contents under this section, any person having
9 a right to possession of the abandoned mobilehome may recover
10 and remove it from the premises upon payment to the management
11 of all rent or other charges due, including reasonable costs of
12 storage and other costs awarded by the court. Upon receipt of this
13 payment and removal of the abandoned mobilehome from the
14 premises pursuant to this subparagraph, the management shall
15 immediately file an acknowledgment of satisfaction of judgment
16 pursuant to Section 724.030 of the Code of Civil Procedure and a
17 cancellation of the notice of disposal with the Department of
18 Housing and Community Development.

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

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

28 (i) Submit to the court and the county tax collector in the county
29 in which the mobilehome park is located a statement that the
30 abandoned mobilehome and its contents were disposed with
31 supporting documentation.

32 (ii) (I) Submit to the Department of Housing and Community
33 Development all of the following information required for
34 completing the disposal process:

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

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

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

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

8 (B) Within 30 days of the date of the disposal of an abandoned
9 mobilehome or the date of the sale of its contents, whichever date
10 is later, the management shall submit to the court and the county
11 tax collector in the county in which the mobilehome park is located
12 an accounting of the moneys received from the sale and the
13 disposition of the money and the items contained in the inventory
14 submitted to the court pursuant to paragraph (1) and a statement
15 that the abandoned mobilehome was disposed with supporting
16 documentation.

17 (g) Notwithstanding any other law, the management shall not
18 be required to obtain a tax clearance certificate, as set forth in
19 Section 5832 of the Revenue and Taxation Code, to dispose of an
20 abandoned mobilehome and its contents pursuant to subdivision
21 (f). However, any sale pursuant to this section shall be subject to
22 the registration requirements of Section 18100.5 of the Health and
23 Safety Code and the tax clearance certificate requirements of
24 Section 18092.7 of the Health and Safety Code.

25 (h) Notwithstanding any other law, forms and procedures made
26 available for the implementation of Chapter 376 of the Statutes of
27 2015 shall not be subject to Chapter 4.5 (commencing with Section
28 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

29 *SEC. 4. Section 1952.7 of the Civil Code is amended to read:*

30 1952.7. (a) (1) Any term in a lease that is executed, renewed,
31 or extended on or after January 1, 2015, that conveys any
32 possessory interest in commercial property that either prohibits or
33 unreasonably restricts the installation or use of an electric vehicle
34 charging station in a parking space associated with the commercial
35 property, or that is otherwise in conflict with the provisions of this
36 section, is void and unenforceable.

37 (2) This subdivision does not apply to provisions that impose
38 reasonable restrictions on the installation of electric vehicle
39 charging stations. However, it is the policy of the state to promote,

1 encourage, and remove obstacles to the use of electric vehicle
2 charging stations.

3 (3) This subdivision shall not grant the holder of a possessory
4 interest under the lease described in paragraph (1) the right to
5 install electric vehicle charging stations in more parking spaces
6 than are allotted to the leaseholder in his or her lease, or, if no
7 parking spaces are allotted, a number of parking spaces determined
8 by multiplying the total number of parking spaces located at the
9 commercial property by a fraction, the denominator of which is
10 the total rentable square feet at the property, and the numerator of
11 which is the number of total square feet rented by the leaseholder.

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

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

18 (1) A commercial property where charging stations already exist
19 for use by tenants in a ratio that is equal to or greater than 2
20 available parking spaces for every 100 parking spaces at the
21 commercial property.

22 (2) A commercial property where there are less than 50 parking
23 spaces.

24 (c) For purposes of this section:

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

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

35 (3) “Reasonable restrictions” or “reasonable standards” are
36 restrictions or standards that do not significantly increase the cost
37 of the electric vehicle charging station or its installation or
38 significantly decrease the charging station’s efficiency or specified
39 performance.

- 1 (d) An electric vehicle charging station shall meet applicable
- 2 health and safety standards and requirements imposed by state and
- 3 local authorities as well as all other applicable zoning, land use,
- 4 or other ordinances, or land use permit requirements.
- 5 (e) If lessor approval is required for the installation or use of an
- 6 electric vehicle charging station, the application for approval shall
- 7 not be willfully avoided or delayed. The approval or denial of an
- 8 application shall be in writing.
- 9 (f) An electric vehicle charging station installed by a lessee shall
- 10 satisfy the following provisions:
 - 11 (1) If lessor approval is required, the lessee first shall obtain
 - 12 approval from the lessor to install the electric vehicle charging
 - 13 station and the lessor shall approve the installation if the lessee
 - 14 complies with the applicable provisions of the lease consistent
 - 15 with the provisions of this section and agrees in writing to do all
 - 16 of the following:
 - 17 (A) Comply with the lessor’s reasonable standards for the
 - 18 installation of the charging station.
 - 19 (B) Engage a licensed contractor to install the charging station.
 - 20 (C) Within 14 days of approval, provide a certificate of
 - 21 insurance that names the lessor as an additional insured under the
 - 22 lessee’s insurance policy in the amount set forth in paragraph (3).
 - 23 (2) The lessee shall be responsible for all of the following:
 - 24 (A) Costs for damage to property and the charging station
 - 25 resulting from the installation, maintenance, repair, removal, or
 - 26 replacement of the charging station.
 - 27 (B) Costs for the maintenance, repair, and replacement of the
 - 28 charging station.
 - 29 (C) The cost of electricity associated with the charging station.
 - 30 (3) The lessee at all times, shall maintain a lessee liability
 - 31 coverage policy in the amount of one million dollars (\$1,000,000),
 - 32 and shall name the lessor as a named additional insured under the
 - 33 policy with a right to notice of cancellation and property insurance
 - 34 covering any damage or destruction caused by the charging station,
 - 35 naming the lessor as its interests may appear.
 - 36 (g) A lessor may, in its sole discretion, create a new parking
 - 37 space where one did not previously exist to facilitate the installation
 - 38 of an electric vehicle charging station, in compliance with all
 - 39 applicable laws.

1 (h) Any installation by a lessor or a lessee of an electric vehicle
2 charging station in a common interest development is also subject
3 to all of the requirements of subdivision (f) of Section 4745.

4 ~~SEC. 4.~~

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

7
8 CHAPTER 2.5. TRANSITIONAL HOUSING PARTICIPANT
9 MISCONDUCT

10
11 Article 1. General Provisions and Definitions

12
13 1954.10. This chapter shall be known and may be cited as the
14 Transitional Housing Participant Misconduct Act.

15 1954.11. In enacting this chapter, it is the intent of the
16 Legislature to prevent the recurrence of acts of substantial
17 disruption or violence by participants in transitional housing
18 programs against other such participants, program staff, or
19 immediate neighbors of the participants.

20 1954.12. The following definitions shall govern the
21 construction of this chapter:

22 (a) "Abuse" means intentionally or recklessly causing or
23 attempting to cause bodily injury, or sexual assault or placing
24 another person in reasonable apprehension of imminent serious
25 bodily injury to himself, herself, or another, where the injured
26 person is another participant, program operator's staff, or a person
27 residing within 100 feet of the program site.

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

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

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

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

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

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

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

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

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

37 (1) Comprehensive social service programs which include
38 regular individualized case management services and which may
39 include alcohol and drug abuse counseling, self-improvement

1 education, employment and training assistance services, and
2 independent living skills development.

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

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

9

10 Article 2. Temporary Restraining Order and Injunction

11

12 1954.13. (a) The program operator may seek, on its own behalf
13 or on behalf of other participants, project employees, or persons
14 residing within 100 feet of the program site, a temporary restraining
15 order and an injunction prohibiting abuse or program misconduct
16 as provided in this chapter. A program operator may not seek a
17 temporary restraining order, pursuant to this section, against a
18 participant after the participant has been under contract with the
19 program operator for at least six months or longer, except when
20 an action is pending against the participant or a temporary
21 restraining order is in effect and subject to further orders. Nothing
22 in this section shall be construed to authorize a person residing
23 within 100 feet of the program site to seek a temporary restraining
24 order or injunction under this chapter.

25 (b) Upon filing a petition for an injunction under this chapter,
26 the program operator may obtain a temporary restraining order in
27 accordance with the provisions of this section. No temporary
28 restraining order shall be issued without notice to the opposite
29 party, unless it shall appear from the facts shown by the affidavit
30 that great or irreparable harm would result to the program operator,
31 a program participant, or an individual residing within 100 feet of
32 the program site before the matter can be heard on notice. The
33 program operator or the program operator's attorney shall state in
34 an affidavit to the court (1) that within a reasonable time prior to
35 the application for a temporary restraining order he or she informed
36 the opposing party or his or her attorney at what time and where
37 the application would be made, (2) that he or she in good faith
38 attempted to so inform the opposing party and his or her attorney
39 but was unable to so inform the opposing attorney or his or her
40 party, specifying the efforts made to contact them, or (3) that for

1 reasons specified he or she should not be required to inform the
2 opposing party or his or her attorney.

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

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

1 an injunction shall issue prohibiting that conduct. An injunction
2 issued pursuant to this section shall have a duration of not more
3 than one year. At any time within the three months before the
4 expiration of the injunction, the program operator may apply for
5 renewal of the injunction by filing a new petition for an injunction
6 under this section.

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

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

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

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

34 1954.14. (a) The clerk shall transmit a copy of each temporary
35 restraining order or injunction or modification or termination
36 thereof, granted under this chapter, by the close of the business
37 day on which the order was granted, to the law enforcement
38 agencies having jurisdiction over the program site. Each law
39 enforcement agency may make available information as to the
40 existence and current status of these orders to law enforcement

1 officers responding to the scene of reported abuse or program
2 misconduct.

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

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

10 1954.15. If a participant has violated an order issued under
11 Section 1954.13, the participant shall be considered to have failed
12 to perform the conditions of the agreement under which the
13 property is held as provided in subsection 3 of Section 1161 of the
14 Code of Civil Procedure, which conditions cannot afterward be
15 performed.

16 1954.16. The Judicial Council shall promulgate forms and
17 related instructions to implement the procedures required by this
18 chapter. The petition and response forms shall be simple and
19 concise.

20

21

Article 3. Recovery of Dwelling

22

23 1954.17. If, after hearing pursuant to this chapter, an order
24 excluding the participant from the program site is issued, the
25 program operator may, without further notice, take possession of
26 the participant’s dwelling unit on the program site. The program
27 operator shall have the same rights to the dwelling unit as if it had
28 been recovered after abandonment in accordance with Section
29 1951.3 and without objection of the participant. If other
30 participants, including the defendant participant’s family members,
31 reside in the dwelling unit, the abandonment shall be deemed only
32 to affect the rights of the individual or individuals against whom
33 the order was issued.

34 1954.18. If the program operator takes possession of the
35 property, pursuant to this article, the program operator shall give
36 the subject participant a reasonable opportunity to remove the
37 participant’s property from his or her dwelling unit on the program
38 site, and, thereafter, the program operator may consider the
39 remaining subject participant’s property to be abandoned property
40 pursuant to Chapter 5 (commencing with Section 1980).

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

2 1952.7. (a) (1) Any term in a lease that is executed, renewed,
3 or extended on or after January 1, 2015, that conveys any
4 possessory interest in commercial property that either prohibits or
5 unreasonably restricts the installation or use of an electric vehicle
6 charging station in a parking space associated with the commercial
7 property, or that is otherwise in conflict with the provisions of this
8 section, is void and unenforceable.

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

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

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

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

29 (1) A commercial property where charging stations already exist
30 for use by tenants in a ratio that is equal to or greater than 2
31 available parking spaces for every 100 parking spaces at the
32 commercial property.

33 (2) A commercial property where there are less than 50 parking
34 spaces.

35 (c) For purposes of this section:

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

- 1 ~~(2) “Reasonable costs” includes, but is not limited to, costs~~
- 2 ~~associated with those items specified in the “Permitting Checklist”~~
- 3 ~~of the “Zero-Emission Vehicles in California: Community~~
- 4 ~~Readiness Guidebook” published by the Office of Planning and~~
- 5 ~~Research.~~
- 6 ~~(3) “Reasonable restrictions” or “reasonable standards” are~~
- 7 ~~restrictions or standards that do not significantly increase the cost~~
- 8 ~~of the electric vehicle charging station or its installation or~~
- 9 ~~significantly decrease the charging station’s efficiency or specified~~
- 10 ~~performance.~~
- 11 ~~(d) An electric vehicle charging station shall meet applicable~~
- 12 ~~health and safety standards and requirements imposed by state and~~
- 13 ~~local authorities as well as all other applicable zoning, land use,~~
- 14 ~~or other ordinances, or land use permit requirements.~~
- 15 ~~(e) If lessor approval is required for the installation or use of an~~
- 16 ~~electric vehicle charging station, the application for approval shall~~
- 17 ~~not be willfully avoided or delayed. The approval or denial of an~~
- 18 ~~application shall be in writing.~~
- 19 ~~(f) An electric vehicle charging station installed by a lessee shall~~
- 20 ~~satisfy the following provisions:~~
- 21 ~~(1) If lessor approval is required, the lessee first shall obtain~~
- 22 ~~approval from the lessor to install the electric vehicle charging~~
- 23 ~~station and the lessor shall approve the installation if the lessee~~
- 24 ~~complies with the applicable provisions of the lease consistent~~
- 25 ~~with the provisions of this section and agrees in writing to do all~~
- 26 ~~of the following:~~
- 27 ~~(A) Comply with the lessor’s reasonable standards for the~~
- 28 ~~installation of the charging station.~~
- 29 ~~(B) Engage a licensed contractor to install the charging station.~~
- 30 ~~(C) Within 14 days of approval, provide a certificate of~~
- 31 ~~insurance that names the lessor as an additional insured under the~~
- 32 ~~lessee’s insurance policy in the amount set forth in paragraph (3).~~
- 33 ~~(2) The lessee shall be responsible for all of the following:~~
- 34 ~~(A) Costs for damage to property and the charging station~~
- 35 ~~resulting from the installation, maintenance, repair, removal, or~~
- 36 ~~replacement of the charging station.~~
- 37 ~~(B) Costs for the maintenance, repair, and replacement of the~~
- 38 ~~charging station.~~
- 39 ~~(C) The cost of electricity associated with the charging station.~~

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

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

11 ~~(h) Any installation by a lessor or a lessee of an electric vehicle~~
12 ~~charging station in a common interest development is also subject~~
13 ~~to all of the requirements of subdivision (f) of Section 4745.~~

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

15 4270. (a) A declaration may be amended pursuant to the
16 declaration or this act. Except where an alternative process for
17 approving, certifying, or recording an amendment is provided in
18 Section 4225, 4230, 4235, or 4275, an amendment is effective
19 after all of the following requirements have been met:

20 (1) The amendment has been approved by the percentage of
21 members required by the declaration and any other person whose
22 approval is required by the declaration.

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

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

29 (b) If the declaration does not specify the percentage of members
30 who must approve an amendment of the declaration, an amendment
31 may be approved by a majority of all members, pursuant to Section
32 4065.

33 SEC. 7. Section 4750.10 of the Civil Code is amended and
34 renumbered to read:

35 4753. (a) For the purposes of this section, “clothesline”
36 includes a cord, rope, or wire from which laundered items may be
37 hung to dry or air. A balcony, railing, awning, or other part of a
38 structure or building shall not qualify as a clothesline.

39 (b) For the purposes of this section, “drying rack” means an
40 apparatus from which laundered items may be hung to dry or air.

1 A balcony, railing, awning, or other part of a structure or building
2 shall not qualify as a drying rack.

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

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

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

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

15 (e) Nothing in this section shall prohibit an association from
16 establishing and enforcing reasonable rules governing clotheslines
17 or drying racks.

18 SEC. 8. Section 5300 of the Civil Code, as added by Section
19 2 of Chapter 184 of the Statutes of 2015, is amended to read:

20 5300. (a) Notwithstanding a contrary provision in the
21 governing documents, an association shall distribute an annual
22 budget report 30 to 90 days before the end of its fiscal year.

23 (b) Unless the governing documents impose more stringent
24 standards, the annual budget report shall include all of the
25 following information:

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

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

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

35 (4) A statement as to whether the board has determined to defer
36 or not undertake repairs or replacement of any major component
37 with a remaining life of 30 years or less, including a justification
38 for the deferral or decision not to undertake the repairs or
39 replacement.

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

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

12 (7) A general statement addressing the procedures used for the
13 calculation and establishment of those reserves to defray the future
14 repair, replacement, or additions to those major components that
15 the association is obligated to maintain. The statement shall
16 include, but need not be limited to, reserve calculations made using
17 the formula described in paragraph (4) of subdivision (b) of Section
18 5570, and may not assume a rate of return on cash reserves in
19 excess of 2 percent above the discount rate published by the Federal
20 Reserve Bank of San Francisco at the time the calculation was
21 made.

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

26 (9) A summary of the association's property, general liability,
27 earthquake, flood, and fidelity insurance policies. For each policy,
28 the summary shall include the name of the insurer, the type of
29 insurance, the policy limit, and the amount of the deductible, if
30 any. To the extent that any of the required information is specified
31 in the insurance policy declaration page, the association may meet
32 its obligation to disclose that information by making copies of that
33 page and distributing it with the annual budget report. The
34 summary distributed pursuant to this paragraph shall contain, in
35 at least 10-point boldface type, the following statement:

36
37 "This summary of the association's policies of insurance provides
38 only certain information, as required by Section 5300 of the Civil
39 Code, and should not be considered a substitute for the complete
40 policy terms and conditions contained in the actual policies of

1 insurance. Any association member may, upon request and
2 provision of reasonable notice, review the association’s insurance
3 policies and, upon request and payment of reasonable duplication
4 charges, obtain copies of those policies. Although the association
5 maintains the policies of insurance specified in this summary, the
6 association’s policies of insurance may not cover your property,
7 including personal property or real property improvements to or
8 around your dwelling, or personal injuries or other losses that occur
9 within or around your dwelling. Even if a loss is covered, you may
10 nevertheless be responsible for paying all or a portion of any
11 deductible that applies. Association members should consult with
12 their individual insurance broker or agent for appropriate additional
13 coverage.”

14
15 (10) When the common interest development is a condominium
16 project, a statement describing the status of the common interest
17 development as a Federal Housing Administration (FHA)-approved
18 condominium project pursuant to FHA guidelines, including
19 whether the common interest development is an FHA-approved
20 condominium project. The statement shall be in at least 10-point
21 font on a separate piece of paper and in the following form:

22
23 “Certification by the Federal Housing Administration may
24 provide benefits to members of an association, including an
25 improvement in an owner’s ability to refinance a mortgage or
26 obtain secondary financing and an increase in the pool of potential
27 buyers of the separate interest.

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

30
31 (11) When the common interest development is a condominium
32 project, a statement describing the status of the common interest
33 development as a United States Department of Veterans Affairs
34 (VA)-approved condominium project pursuant to VA guidelines,
35 including whether the common interest development is a
36 VA-approved condominium project. The statement shall be in at
37 least 10-point font on a separate piece of paper and in the following
38 form:

39

1 “Certification by the federal Department of Veterans Affairs
 2 may provide benefits to members of an association, including an
 3 improvement in an owner’s ability to refinance a mortgage or
 4 obtain secondary financing and an increase in the pool of potential
 5 buyers of the separate interest.

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

9

10 (c) The annual budget report shall be made available to the
 11 members pursuant to Section 5320.

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

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

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

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

24 5570. (a) The disclosures required by this article with regard
 25 to an association or a property shall be summarized on the
 26 following form:

27

28

29 Assessment and Reserve Funding Disclosure Summary For the
 30 Fiscal Year Ending _____

31

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

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

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:	

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

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

23 Yes _____ No _____

24 (4) If the answer to (3) is no, what additional assessments or
 25 other contributions to reserves would be necessary to ensure that
 26 sufficient reserve funds will be available each year during the next
 27 30 years that have not yet been approved by the board or the
 28 members?

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

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

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

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

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

23
24 Note: The financial representations set forth in this summary
25 are based on the best estimates of the preparer at that time. The
26 estimates are subject to change. At the time this summary was
27 prepared, the assumed long-term before-tax interest rate earned
28 on reserve funds was ____ percent per year, and the assumed
29 long-term inflation rate to be applied to major component repair
30 and replacement costs was ____ percent per year.

31
32 (b) For the purposes of preparing a summary pursuant to this
33 section:

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

37 (2) “Major component” has the meaning used in Section 5550.
38 Components with an estimated remaining useful life of more than
39 30 years may be included in a study as a capital asset or disregarded
40 from the reserve calculation, so long as the decision is revealed in

1 the reserve study report and reported in the Assessment and
2 Reserve Funding Disclosure Summary.

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

8 (4) For the purpose of the report and summary, the amount of
9 reserves needed to be accumulated for a component at a given time
10 shall be computed as the current cost of replacement or repair
11 multiplied by the number of years the component has been in
12 service divided by the useful life of the component. This shall not
13 be construed to require the board to fund reserves in accordance
14 with this calculation.

15 SEC. 10. Section 12955.9 of the Government Code is amended
16 to read:

17 12955.9. (a) The provisions of this part relating to
18 discrimination on the basis of familial status shall not apply to
19 housing for older persons.

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

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

26 (2) Housing that meets the standards for senior housing in
27 Sections 51.2, 51.3, and 51.4 of the Civil Code, except to the extent
28 that those standards violate the prohibition of familial status
29 discrimination in the federal Fair Housing Amendments Act of
30 1988 (Public Law 100-430) and implementing regulations.

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

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

37 SEC. 11. Section 65584.01 of the Government Code is amended
38 to read:

39 65584.01. (a) For the fourth and subsequent revision of the
40 housing element pursuant to Section 65588, the department, in

1 consultation with each council of governments, where applicable,
2 shall determine the existing and projected need for housing for
3 each region in the following manner:

4 (b) The department's determination shall be based upon
5 population projections produced by the Department of Finance
6 and regional population forecasts used in preparing regional
7 transportation plans, in consultation with each council of
8 governments. If the total regional population forecast for the
9 projection year, developed by the council of governments and used
10 for the preparation of the regional transportation plan, is within a
11 range of 3 percent of the total regional population forecast for the
12 projection year by the Department of Finance, then the population
13 forecast developed by the council of governments shall be the basis
14 from which the department determines the existing and projected
15 need for housing in the region. If the difference between the total
16 population projected by the council of governments and the total
17 population projected for the region by the Department of Finance
18 is greater than 3 percent, then the department and the council of
19 governments shall meet to discuss variances in methodology used
20 for population projections and seek agreement on a population
21 projection for the region to be used as a basis for determining the
22 existing and projected housing need for the region. If no agreement
23 is reached, then the population projection for the region shall be
24 the population projection for the region prepared by the Department
25 of Finance as may be modified by the department as a result of
26 discussions with the council of governments.

27 (c) (1) At least 26 months prior to the scheduled revision
28 pursuant to Section 65588 and prior to developing the existing and
29 projected housing need for a region, the department shall meet and
30 consult with the council of governments regarding the assumptions
31 and methodology to be used by the department to determine the
32 region's housing needs. The council of governments shall provide
33 data assumptions from the council's projections, including, if
34 available, the following data for the region:

35 (A) Anticipated household growth associated with projected
36 population increases.

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

38 (C) The rate of household formation, or headship rates, based
39 on age, gender, ethnicity, or other established demographic
40 measures.

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

4 (E) Other characteristics of the composition of the projected
5 population.

6 (F) The relationship between jobs and housing, including any
7 imbalance between jobs and housing.

8 (2) The department may accept or reject the information
9 provided by the council of governments or modify its own
10 assumptions or methodology based on this information. After
11 consultation with the council of governments, the department shall
12 make determinations in writing on the assumptions for each of the
13 factors listed in subparagraphs (A) to (F), inclusive, of paragraph
14 (1) and the methodology it shall use and shall provide these
15 determinations to the council of governments.

16 (d) (1) After consultation with the council of governments, the
17 department shall make a determination of the region’s existing
18 and projected housing need based upon the assumptions and
19 methodology determined pursuant to subdivision (c). The region’s
20 existing and projected housing need shall reflect the achievement
21 of a feasible balance between jobs and housing within the region
22 using the regional employment projections in the applicable
23 regional transportation plan. Within 30 days following notice of
24 the determination from the department, the council of governments
25 may file an objection to the department’s determination of the
26 region’s existing and projected housing need with the department.

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

29 (A) The department failed to base its determination on the
30 population projection for the region established pursuant to
31 subdivision (b), and shall identify the population projection which
32 the council of governments believes should instead be used for the
33 determination and explain the basis for its rationale.

34 (B) The regional housing need determined by the department
35 is not a reasonable application of the methodology and assumptions
36 determined pursuant to subdivision (c). The objection shall include
37 a proposed alternative determination of its regional housing need
38 based upon the determinations made in subdivision (c), including
39 analysis of why the proposed alternative would be a more

1 reasonable application of the methodology and assumptions
2 determined pursuant to subdivision (c).

3 (3) If a council of governments files an objection pursuant to
4 this subdivision and includes with the objection a proposed
5 alternative determination of its regional housing need, it shall also
6 include documentation of its basis for the alternative determination.
7 Within 45 days of receiving an objection filed pursuant to this
8 section, the department shall consider the objection and make a
9 final written determination of the region’s existing and projected
10 housing need that includes an explanation of the information upon
11 which the determination was made.

12 SEC. 12. Section 65863.10 of the Government Code is amended
13 to read:

14 65863.10. (a) As used in this section, the following terms have
15 the following meanings:

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

21 (2) “Affected tenant” means a tenant household residing in an
22 assisted housing development, as defined in paragraph (3), at the
23 time notice is required to be provided pursuant to this section, that
24 benefits from the government assistance.

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

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

33 (B) The following federal programs:

34 (i) The Below-Market-Interest-Rate Program under Section
35 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715 l(d)(3)
36 and (5)).

37 (ii) Section 236 of the National Housing Act (12 U.S.C. Sec.
38 1715z-1).

39 (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec.
40 1701q).

1 (C) Programs for rent supplement assistance under Section 101
2 of the Housing and Urban Development Act of 1965, as amended
3 (12 U.S.C. Sec. 1701s).

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

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

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

9 (G) Section 147 of the Internal Revenue Code (Section 501(c)(3)
10 bonds).

11 (H) Title I of the Housing and Community Development Act
12 of 1974, as amended (Community Development Block Grant
13 Program).

14 (I) Title II of the Cranston-Gonzalez National Affordable
15 Housing Act of 1990, as amended (HOME Investment Partnership
16 Program).

17 (J) Titles IV and V of the McKinney-Vento Homeless Assistance
18 Act of 1987, as amended, including the Department of Housing
19 and Urban Development's Supportive Housing Program, Shelter
20 Plus Care Program, and surplus federal property disposition
21 program.

22 (K) Grants and loans made by the Department of Housing and
23 Community Development, including the Rental Housing
24 Construction Program, CHRP-R, and other rental housing finance
25 programs.

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

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

33 (i) Loans or grants provided using tax increment financing
34 pursuant to the Community Redevelopment Law (Part 1
35 (commencing with Section 33000) of Division 24 of the Health
36 and Safety Code).

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

39 (iii) The sale or lease of public property at or below market
40 rates.

1 (iv) The granting of density bonuses, or concessions or
2 incentives, including fee waivers, parking variances, or
3 amendments to general plans, zoning, or redevelopment project
4 area plans, pursuant to Chapter 4.3 (commencing with Section
5 65915).

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

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

14 (5) “Expiration of rental restrictions” means the expiration of
15 rental restrictions for an assisted housing development described
16 in paragraph (3) unless the development has other recorded
17 agreements restricting the rent to the same or lesser levels for at
18 least 50 percent of the units.

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

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

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

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

37 (b) (1) At least 12 months prior to the anticipated date of the
38 termination of a subsidy contract, the expiration of rental
39 restrictions, or prepayment on an assisted housing development,
40 the owner proposing the termination or prepayment of

1 governmental assistance or the owner of an assisted housing
2 development in which there will be the expiration of rental
3 restrictions shall provide a notice of the proposed change to each
4 affected tenant household residing in the assisted housing
5 development at the time the notice is provided and to the affected
6 public entities. An owner who meets the requirements of Section
7 65863.13 shall be exempt from providing that notice. The notice
8 shall contain all of the following:

9 (A) In the event of termination, a statement that the owner
10 intends to terminate the subsidy contract or rental restrictions upon
11 its expiration date, or the expiration date of any contract extension
12 thereto.

13 (B) In the event of the expiration of rental restrictions, a
14 statement that the restrictions will expire, and in the event of
15 prepayment, termination, or the expiration of rental restrictions
16 whether the owner intends to increase rents during the 12 months
17 following prepayment, termination, or the expiration of rental
18 restrictions to a level greater than permitted under Section 42 of
19 the Internal Revenue Code.

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

24 (D) The anticipated date of the termination, prepayment of the
25 federal or other program or expiration of rental restrictions, and
26 the identity of the federal or other program described in subdivision
27 (a).

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

31 (F) A statement of the possibility that the housing may remain
32 in the federal or other program after the proposed date of
33 termination of the subsidy contract or prepayment if the owner
34 elects to do so under the terms of the federal government's or other
35 program operator's offer.

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

39 (H) A statement that a subsequent notice of the proposed change,
40 including anticipated changes in rents, if any, for the development,

1 will be provided at least six months prior to the anticipated date
2 of termination of the subsidy contract, or expiration of rental
3 restrictions, or prepayment.

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

6 (2) Notwithstanding paragraph (1), if an owner provides a copy
7 of a federally required notice of termination of a subsidy contract
8 or prepayment at least 12 months prior to the proposed change to
9 each affected tenant household residing in the assisted housing
10 development at the time the notice is provided and to the affected
11 public entities, the owner shall be deemed in compliance with this
12 subdivision, if the notice is in compliance with all federal laws.
13 However, the federally required notice does not satisfy the
14 requirements of Section 65863.11.

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

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

27 (A) The anticipated date of the termination or prepayment of
28 the federal or other program, or the expiration of rental restrictions,
29 and the identity of the federal or other program, as described in
30 subdivision (a).

31 (B) The current rent and rent anticipated for the unit during the
32 12 months immediately following the date of the prepayment or
33 termination of the federal or other program, or expiration of rental
34 restrictions.

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

39 (D) A statement of the possibility that the housing may remain
40 in the federal or other program after the proposed date of subsidy

1 termination or prepayment if the owner elects to do so under the
2 terms of the federal government’s or other program administrator’s
3 offer or that a rent increase may not take place due to the expiration
4 of rental restrictions.

5 (E) A statement of the owner’s intention to participate in any
6 current replacement subsidy program made available to the affected
7 tenants.

8 (F) The name and telephone number of the city, county, or city
9 and county, the appropriate local public housing authority, if any,
10 the Department of Housing and Community Development, and a
11 legal services organization, that can be contacted to request
12 additional written information about an owner’s responsibilities
13 and the rights and options of an affected tenant.

14 (3) In addition to the information provided in the notice to the
15 affected tenant, the notice to the affected public entities shall
16 contain information regarding the number of affected tenants in
17 the project, the number of units that are government assisted and
18 the type of assistance, the number of the units that are not
19 government assisted, the number of bedrooms in each unit that is
20 government assisted, and the ages and income of the affected
21 tenants. The notice shall briefly describe the owner’s plans for the
22 project, including any timetables or deadlines for actions to be
23 taken and specific governmental approvals that are required to be
24 obtained, the reason the owner seeks to terminate the subsidy
25 contract or prepay the mortgage, and any contacts the owner has
26 made or is making with other governmental agencies or other
27 interested parties in connection with the notice. The owner shall
28 also attach a copy of any federally required notice of the
29 termination of the subsidy contract or prepayment that was
30 provided at least six months prior to the proposed change. The
31 information contained in the notice shall be based on data that is
32 reasonably available from existing written tenant and project
33 records.

34 (d) The owner proposing the termination or prepayment of
35 governmental assistance or the owner of an assisted housing
36 development in which there will be the expiration of rental
37 restrictions shall provide additional notice of any significant
38 changes to the notice required by subdivision (c) within seven
39 business days to each affected tenant household residing in the
40 assisted housing development at the time the notice is provided

1 and to the affected public entities. “Significant changes” shall
2 include, but not be limited to, any changes to the date of
3 termination or prepayment, or expiration of rental restrictions or
4 the anticipated new rent.

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

9 (f) This section shall not require the owner to obtain or acquire
10 additional information that is not contained in the existing tenant
11 and project records, or to update any information in his or her
12 records. The owner shall not be held liable for any inaccuracies
13 contained in these records or from other sources, nor shall the
14 owner be liable to any party for providing this information.

15 (g) For purposes of this section, service of the notice to the
16 affected tenants, the city, county, or city and county, the appropriate
17 local public housing authority, if any, and the Department of
18 Housing and Community Development by the owner pursuant to
19 subdivisions (b) to (e), inclusive, shall be made by first-class mail
20 postage prepaid.

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

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

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

33 (k) The Director of Housing and Community Development shall
34 approve forms to be used by owners to comply with subdivisions
35 (b) and (c). Once the director has approved the forms, an owner
36 shall use the approved forms to comply with subdivisions (b) and
37 (c).

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

1 17913. (a) The department shall notify the entities listed in
2 subdivision (c) of the dates that each of the international or uniform
3 codes published by the specific organizations described in
4 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 17922
5 are approved by the California Building Standards Commission
6 pursuant to Section 18930 and the effective date of the model codes
7 as established by the California Building Standards Commission.

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

11 (c) The department shall distribute the information described
12 in subdivision (a), and may distribute the information described
13 in subdivision (b), to the following entities:

- 14 (1) The building department in each county and city.
- 15 (2) Housing code officials, fire service officials, professional
16 associations concerned with building standards, and any other
17 persons or entities the department determines appropriate.

18 SEC. 14. Section 17921.3 of the Health and Safety Code is
19 repealed.

20 SEC. 15. Section 17921.9 of the Health and Safety Code is
21 repealed.

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

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

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

1 (2) The International Building Code of the International Code
2 Council.

3 (3) The International Residential Code of the International Code
4 Council.

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

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

9 (6) The National Electrical Code of the National Fire Protection
10 Association.

11 (7) The International Existing Building Code of the International
12 Code Council.

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

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

29 (d) Regulations other than building standards which are adopted,
30 amended, or repealed by the department, and building standards
31 adopted and submitted by the department for approval pursuant
32 to Chapter 4 (commencing with Section 18935) of Part 2.5,
33 governing alteration and repair of existing buildings and moving
34 of apartment houses and dwellings shall permit the replacement,
35 retention, and extension of original materials and the continued
36 use of original methods of construction as long as the hotel,
37 lodginghouse, motel, apartment house, or dwelling, or portions
38 thereof, or building and structure accessory thereto, complies with
39 the provisions published in the California Building Standards Code
40 and the other rules and regulations of the department or alternative

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

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

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

35 (g) A local ordinance may not permit any action or proceeding
36 to abate violations of regulations governing maintenance of existing
37 buildings, unless the building is a substandard building or the
38 violation is a misdemeanor.

39 SEC. 17. Section 17922.3 of the Health and Safety Code is
40 amended to read:

1 17922.3. Notwithstanding any other provision of law, a
2 residential structure that is moved into, or within, the jurisdiction
3 of a local agency or the department, shall not be treated as a new
4 building or structure, but rather shall be treated, for the purposes
5 of this part, as subject to Section 17958.9.

6 SEC. 18. Section 17958.1 of the Health and Safety Code is
7 amended to read:

8 17958.1. Notwithstanding Sections 17922, 17958, and 17958.5,
9 a city, county, or city and county may, by ordinance, permit
10 efficiency units for occupancy by no more than two persons which
11 have a minimum floor area of 150 square feet and which may also
12 have partial kitchen or bathroom facilities, as specified by the
13 ordinance. In all other respects, these efficiency units shall conform
14 to minimum standards for those occupancies otherwise made
15 applicable pursuant to this part.

16 “Efficiency unit,” as used in this section, has the same meaning
17 specified in the International Building Code of the International
18 Code Council, as incorporated by reference in Part 2 of Title 24
19 of the California Code of Regulations.

20 SEC. 19. Section 17959.1 of the Health and Safety Code is
21 amended to read:

22 17959.1. (a) A city or county shall administratively approve
23 applications to install solar energy systems through the issuance
24 of a building permit or similar nondiscretionary permit. However,
25 if the building official of the city or county has a good faith belief
26 that the solar energy system could have a specific, adverse impact
27 upon the public health and safety, the city or county may require
28 the applicant to apply for a use permit.

29 (b) A city or county may not deny an application for a use permit
30 to install a solar energy system unless it makes written findings
31 based upon substantial evidence in the record that the proposed
32 installation would have a specific, adverse impact upon the public
33 health or safety, and there is no feasible method to satisfactorily
34 mitigate or avoid the specific, adverse impact. This finding shall
35 include the basis for the rejection of potential feasible alternatives
36 of preventing the adverse impact.

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

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

4 (2) A solar energy system for heating water shall be certified
5 by the Solar Rating Certification Corporation (SRCC) or other
6 nationally recognized certification agency. SRCC is a nonprofit
7 third party supported by the United States Department of Energy.
8 The certification shall be for the entire solar energy system and
9 installation.

10 (3) A solar energy system for producing electricity shall meet
11 all applicable safety and performance standards established by the
12 National Electrical Code, the Institute of Electrical and Electronics
13 Engineers, and accredited testing laboratories such as Underwriters
14 Laboratories and, where applicable, rules of the Public Utilities
15 Commission regarding safety and reliability.

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

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

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

28 (3) A “specific, adverse impact” means a significant,
29 quantifiable, direct, and unavoidable impact, based on objective,
30 identified, and written public health or safety standards, policies,
31 or conditions as they existed on the date the application was
32 deemed complete.

33 SEC. 20. Section 18080.5 of the Health and Safety Code is
34 amended to read:

35 18080.5. (a) A numbered report of sale, lease, or rental form
36 issued by the department shall be submitted each time the following
37 transactions occur by or through a dealer:

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

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

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

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

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

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

18 (4) The original report of sale, lease, or rental form, together
19 with all required documents to report the transaction or make
20 application to register or transfer a manufactured home,
21 mobilehome, or commercial coach, shall be forwarded to the
22 department. Any application shall be submitted within 10 calendar
23 days from the date the transaction was required to be reported, as
24 defined by subdivision (e).

25 (c) A manufactured home, mobilehome, or commercial coach
26 displaying a copy of the report of sale, lease, or rental may be
27 occupied without registration decals or registration card until the
28 registration decals and registration card are received by the
29 purchaser.

30 (d) In addition to the other requirements of this section, every
31 dealer upon transferring by sale, lease, or otherwise any
32 manufactured home or mobilehome shall, not later than the 10th
33 calendar day thereafter, not counting the date of sale, give written
34 notice of the transfer to the assessor of the county where the
35 manufactured home or mobilehome is to be installed. The written
36 notice shall be upon forms provided by the department containing
37 any information that the department may require, after consultation
38 with the assessors. Filing of a copy of the notice with the assessor
39 in accordance with this section shall be in lieu of filing a change

1 of ownership statement pursuant to Sections 480 and 482 of the
2 Revenue and Taxation Code.

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

8 (1) The purchaser of any commercial coach has signed a
9 purchase contract or security agreement or paid any purchase price,
10 the lessee of a new commercial coach has signed a lease agreement
11 or lease with an option to buy or paid any purchase price, or the
12 lessee of a used commercial coach has either signed a lease with
13 an option to buy or paid any purchase price, and the purchaser or
14 lessee has taken physical possession or delivery of the commercial
15 coach.

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

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

21 (f) The department shall charge a fee, not to exceed forty-five
22 dollars (\$45), for processing the notice of disposal and any
23 information required for completing the disposal process required
24 pursuant to Sections 798.56a and 798.61 of the Civil Code.

25 (g) Notwithstanding any other law, the Department of Housing
26 and Community Development may adopt guidelines related to
27 procedures and forms to implement the new disposal procedures
28 in Chapter 376 of the Statutes of 2015, until regulations are adopted
29 by the department to replace those guidelines.

30 SEC. 21. Section 18935 of the Health and Safety Code is
31 amended to read:

32 18935. (a) Notice of proposed building standards shall be
33 given and hearings shall be held by the adopting agencies, as
34 required by the Administrative Procedure Act, prior to the adoption
35 of the building standards and submission to the commission for
36 approval. The notice of proposed building standards and the initial
37 statement of reasons for the proposed building standards shall
38 comply with Article 5 (commencing with Section 11346) of
39 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
40 Code. The adopting agency or state agency that proposes the

1 building standards shall submit the notice and initial statement of
2 reasons for proposed building standards to the California Building
3 Standards Commission, which shall review them for compliance
4 with Article 5 (commencing with Section 11346) of Chapter 3.5
5 of Part 1 of Division 3 of Title 2 of the Government Code. If the
6 commission determines that the adopting agency or state agency
7 that proposes the building standards has complied with Article 5
8 (commencing with Section 11346) of Chapter 3.5 of Part 1 of
9 Division 3 of Title 2 of the Government Code, the commission
10 shall approve the notice and initial statement of reasons for
11 proposed building standards, and submit the notice to the Office
12 of Administrative Law for the sole purpose of inclusion in the
13 California Regulatory Notice Register. The Office of
14 Administrative Law shall publish only those notices of proposed
15 building standards which have been approved by, and submitted
16 to, the office by the California Building Standards Commission.

17 (b) In order to ensure an absence of conflict between hearings
18 and a maximum opportunity for interested parties to be heard, no
19 hearings by adopting agencies shall be conducted unless the time
20 and place thereof has been approved in writing by the commission
21 prior to public notices of the hearing being given by the adopting
22 agencies.

23 (c) If, after building standards are submitted to the commission
24 for approval, the commission requires changes therein as a
25 condition for approval, and the changes are made, no additional
26 hearing by the affected state agency shall be required in connection
27 with making the changes when the commission determines the
28 changes are nonsubstantial, solely grammatical in nature, or are
29 sufficiently related to the text submitted to the commission for
30 approval that the public was adequately placed on notice that the
31 change could result from the originally proposed building
32 standards.

33 SEC. 22. Section 19990 of the Health and Safety Code is
34 amended to read:

35 19990. (a) Except as provided in Section 18930, the department
36 shall adopt rules and regulations to interpret and make specific
37 this part. The department shall adopt and submit building standards
38 for approval pursuant to Chapter 4 (commencing with Section
39 18935) of Part 2.5 of this division for the purposes described in
40 this section. Standards adopted, amended, or repealed from time

1 to time by the department pursuant to this chapter shall include
2 provisions imposing requirements reasonably consistent with
3 recognized and accepted standards contained in the most recent
4 editions of the following uniform industry codes as adopted or
5 amended from time to time by the organizations specified:

6 (1) The Uniform Housing Code of the International Conference
7 of Building Officials.

8 (2) The International Building Code of the International Code
9 Council.

10 (3) The International Residential Code of the International Code
11 Council.

12 (4) The Uniform Plumbing Code of the International Association
13 of Plumbing and Mechanical Officials.

14 (5) The Uniform Mechanical Code of the International
15 Association of Plumbing and Mechanical Officials.

16 (6) The National Electrical Code of the National Fire Protection
17 Association.

18 (b) The department shall require every city and county to file
19 with the department all wind pressure and snow load requirements
20 in effect within their respective jurisdictions if these requirements
21 differ from building standards published in the State Building
22 Standards Code, on or before January 1 of each year. The
23 department shall notify every manufacturer of factory-built housing
24 of these requirements on or before March 1 of each year.

25 (c) Except as provided in Section 18930, the department shall
26 adopt other rules and regulations as it deems necessary to carry
27 out this part. In promulgating these other rules and regulations the
28 department shall consider any amendments to the model codes
29 referred to in this section. In the event of any conflict with respect
30 to factory-built housing between Part 1.5 (commencing with
31 Section 17910) and this part, the requirements of this part shall
32 control.

33 SEC. 23. Section 50074 of the Health and Safety Code is
34 amended to read:

35 50074. "Housing sponsor," for the purpose of housing assisted
36 by the department, means any individual, joint venture, partnership,
37 limited partnership, trust, corporation, limited equity housing
38 cooperative, cooperative, local public entity, duly constituted
39 governing body of an Indian reservation or rancheria, tribally
40 designated housing entity, or other legal entity, or any combination

1 thereof, certified by the agency pursuant to rules and regulations
2 of the agency as qualified to either own, construct, acquire, or
3 rehabilitate a housing development, whether for profit, nonprofit,
4 or organized for limited profit, and subject to the regulatory powers
5 of the agency pursuant to rules and regulations of the agency and
6 other terms and conditions set forth in this division. “Housing
7 sponsor” includes persons and families of low or moderate income
8 who are approved by the agency as eligible to own and occupy a
9 housing development and individuals and legal entities receiving
10 property improvement loans through the agency.

11 SEC. 24. Section 50104.6.5 is added to the Health and Safety
12 Code, to read:

13 50104.6.5. “Tribally designated housing entity” means an entity
14 as defined in Section 4103 of Title 25 of the United States Code.
15 For the purposes of determining the eligibility of an applicant for
16 funding under a program authorized by Part 2 (commencing with
17 Section 50400), references to a local public entity, nonprofit
18 corporation, nonprofit housing sponsor, or governing body of an
19 Indian reservation or rancheria in any statute included in, or in any
20 regulation promulgated to implement, Part 2 (commencing with
21 Section 50400) shall be deemed to include a tribally designated
22 housing entity.

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

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

27 50784.7. (a) The department may make loans to resident
28 organizations or qualified nonprofit sponsors from the Mobilehome
29 Park Rehabilitation and Purchase Fund for the purpose of assisting
30 lower income homeowners to do any of the following:

- 31 (1) Make repairs to their mobilehomes.
- 32 (2) Make accessibility-related upgrades to their mobilehomes.
- 33 (3) Replace their mobilehomes.

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

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

39 (2) The applicant entity demonstrates sufficient organizational
40 stability and capacity to manage a portfolio of individual loans

1 over an extended time period. This capacity may be demonstrated
2 by substantial successful experience performing similar activities
3 or through other means acceptable to the department.

4 (c) The department may adopt guidelines to implement this
5 section.

6 *SEC. 27. Section 50800.5 of the Health and Safety Code is*
7 *amended to read:*

8 50800.5. (a) There is hereby created in the State Treasury the
9 Emergency Housing and Assistance Fund. Notwithstanding Section
10 13340 of the Government Code, all money in the fund is
11 continuously appropriated to the department to carry out the
12 purposes of this chapter. Any repayments, interest, or new
13 appropriations shall be deposited in the fund, notwithstanding
14 Section 16305.7 of the Government Code. Money in the fund shall
15 not be subject to transfer to any other fund pursuant to any
16 provision of Part 2 (commencing with Section 16300) of Division
17 4 of Title 2 of the Government Code, except to the Surplus Money
18 Investment Fund.

19 (b) All moneys in the Emergency Housing and Assistance Fund,
20 created pursuant to Section 50800.5 as it existed prior to the
21 effective date of the act that adds this chapter, shall be transferred,
22 on the effective date of the act that adds this chapter, to the
23 Emergency Housing and Assistance Fund created by subdivision
24 (a).

25 (c) The department may require the transfer of moneys in the
26 Emergency Housing and Assistance Fund to the Surplus Money
27 Investment Fund for investment pursuant to Article 4 (commencing
28 with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title
29 2 of the Government Code. All interest, dividends, and pecuniary
30 gains from these investments shall accrue to the Emergency
31 Housing and Assistance Fund, notwithstanding Section 16305.7
32 of the Government Code.

33 (d) To the extent funds are made available by the Legislature,
34 moneys in the fund may be used for the purposes of Chapter 19
35 (commencing with Section 50899.1) of Part 2 of Division 31 of
36 the Health and Safety Code.

37 (e) *The Department of Housing and Community Development*
38 *may transfer any unobligated Proposition 46 and Proposition 1C*
39 *bond funds to the Housing Rehabilitation Loan Fund, less any*
40 *funds needed for state operations to support outstanding awards*

1 *as determined by the Department of Housing and Community*
2 *Development, to be expended for the Multifamily Housing Program*
3 *authorized by Chapter 6.7 (commencing with Section 50675), to*
4 *be used for supportive housing for the target population identified*
5 *in Section 50675.14.*

O