

AMENDED IN ASSEMBLY AUGUST 18, 2016

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

6
7 CHAPTER 2.5. TRANSITIONAL HOUSING PARTICIPANT
8 MISCONDUCT

9
10 Article 1. General Provisions and Definitions

11
12 1954.10. This chapter shall be known and may be cited as the
13 Transitional Housing Participant Misconduct Act.

14 1954.11. In enacting this chapter, it is the intent of the
15 Legislature to prevent the recurrence of acts of substantial
16 disruption or violence by participants in transitional housing
17 programs against other such participants, program staff, or
18 immediate neighbors of the participants.

19 1954.12. The following definitions shall govern the
20 construction of this chapter:

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

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

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

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

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

39 (c) "Participant" means a homeless person under contract with
40 a program operator to participate in a transitional housing program

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

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

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

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

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

- 35 (1) Comprehensive social service programs which include
- 36 regular individualized case management services and which may
- 37 include alcohol and drug abuse counseling, self-improvement
- 38 education, employment and training assistance services, and
- 39 independent living skills development.

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

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

7
8
9

Article 2. Temporary Restraining Order and Injunction

10 1954.13. (a) The program operator may seek, on its own behalf
11 or on behalf of other participants, project employees, or persons
12 residing within 100 feet of the program site, a temporary restraining
13 order and an injunction prohibiting abuse or program misconduct
14 as provided in this chapter. A program operator may not seek a
15 temporary restraining order, pursuant to this section, against a
16 participant after the participant has been under contract with the
17 program operator for at least six months or longer, except when
18 an action is pending against the participant or a temporary
19 restraining order is in effect and subject to further orders. Nothing
20 in this section shall be construed to authorize a person residing
21 within 100 feet of the program site to seek a temporary restraining
22 order or injunction under this chapter.

23 (b) Upon filing a petition for an injunction under this chapter,
24 the program operator may obtain a temporary restraining order in
25 accordance with the provisions of this section. No temporary
26 restraining order shall be issued without notice to the opposite
27 party, unless it shall appear from the facts shown by the affidavit
28 that great or irreparable harm would result to the program operator,
29 a program participant, or an individual residing within 100 feet of
30 the program site before the matter can be heard on notice. The
31 program operator or the program operator's attorney shall state in
32 an affidavit to the court (1) that within a reasonable time prior to
33 the application for a temporary restraining order he or she informed
34 the opposing party or his or her attorney at what time and where
35 the application would be made, (2) that he or she in good faith
36 attempted to so inform the opposing party and his or her attorney
37 but was unable to so inform the opposing attorney or his or her
38 party, specifying the efforts made to contact them, or (3) that for
39 reasons specified he or she should not be required to inform the
40 opposing party or his or her attorney.

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

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

1 than one year. At any time within the three months before the
2 expiration of the injunction, the program operator may apply for
3 renewal of the injunction by filing a new petition for an injunction
4 under this section.

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

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

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

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

32 1954.14. (a) The clerk shall transmit a copy of each temporary
33 restraining order or injunction or modification or termination
34 thereof, granted under this chapter, by the close of the business
35 day on which the order was granted, to the law enforcement
36 agencies having jurisdiction over the program site. Each law
37 enforcement agency may make available information as to the
38 existence and current status of these orders to law enforcement
39 officers responding to the scene of reported abuse or program
40 misconduct.

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

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

8 1954.15. If a participant has violated an order issued under
9 Section 1954.13, the participant shall be considered to have failed
10 to perform the conditions of the agreement under which the
11 property is held as provided in subsection 3 of Section 1161 of the
12 Code of Civil Procedure, which conditions cannot afterward be
13 performed.

14 1954.16. The Judicial Council shall promulgate forms and
15 related instructions to implement the procedures required by this
16 chapter. The petition and response forms shall be simple and
17 concise.

18

19 Article 3. Recovery of Dwelling

20

21 1954.17. If, after hearing pursuant to this chapter, an order
22 excluding the participant from the program site is issued, the
23 program operator may, without further notice, take possession of
24 the participant’s dwelling unit on the program site. The program
25 operator shall have the same rights to the dwelling unit as if it had
26 been recovered after abandonment in accordance with Section
27 1951.3 and without objection of the participant. If other
28 participants, including the defendant participant’s family members,
29 reside in the dwelling unit, the abandonment shall be deemed only
30 to affect the rights of the individual or individuals against whom
31 the order was issued.

32 1954.18. If the program operator takes possession of the
33 property, pursuant to this article, the program operator shall give
34 the subject participant a reasonable opportunity to remove the
35 participant’s property from his or her dwelling unit on the program
36 site, and, thereafter, the program operator may consider the
37 remaining subject participant’s property to be abandoned property
38 pursuant to Chapter 5 (commencing with Section 1980).

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

1 4270. (a) A declaration may be amended pursuant to the
2 declaration or this act. Except where an alternative process for
3 approving, certifying, or recording an amendment is provided in
4 Section 4225, 4230, 4235, or 4275, an amendment is effective
5 after all of the following requirements have been met:

6 (1) The amendment has been approved by the percentage of
7 members required by the declaration and any other person whose
8 approval is required by the declaration.

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

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

15 (b) If the declaration does not specify the percentage of members
16 who must approve an amendment of the declaration, an amendment
17 may be approved by a majority of all members, pursuant to Section
18 4065.

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

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

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

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

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

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

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

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

4 ~~SEC. 8. Section 5300 of the Civil Code, as added by Section~~
5 ~~2 of Chapter 184 of the Statutes of 2015, is amended to read:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

39

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

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

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

16
 17 ~~(11) When the common interest development is a condominium~~
 18 ~~project, a statement describing the status of the common interest~~
 19 ~~development as a United States Department of Veterans Affairs~~
 20 ~~(VA)-approved condominium project pursuant to VA guidelines,~~
 21 ~~including whether the common interest development is a~~
 22 ~~VA-approved condominium project. The statement shall be in at~~
 23 ~~least 10-point font on a separate piece of paper and in the following~~
 24 ~~form:~~

25
 26 ~~“Certification by the federal Department of Veterans Affairs~~
 27 ~~may provide benefits to members of an association, including an~~
 28 ~~improvement in an owner’s ability to refinance a mortgage or~~
 29 ~~obtain secondary financing and an increase in the pool of potential~~
 30 ~~buyers of the separate interest.~~

31 ~~The association of this common interest development [is/is not~~
 32 ~~(circle one)] certified by the federal Department of Veterans~~
 33 ~~Affairs.”~~

34
 35 ~~(e) The annual budget report shall be made available to the~~
 36 ~~members pursuant to Section 5320.~~

37 ~~(d) The summary of the association’s reserves disclosed pursuant~~
 38 ~~to paragraph (2) of subdivision (b) shall not be admissible in~~
 39 ~~evidence to show improper financial management of an association,~~
 40 ~~provided that other relevant and competent evidence of the financial~~

1 condition of the association is not made inadmissible by this
2 provision.

3 ~~(e) The Assessment and Reserve Funding Disclosure Summary~~
4 ~~form, prepared pursuant to Section 5570, shall accompany each~~
5 ~~annual budget report or summary of the annual budget report that~~
6 ~~is delivered pursuant to this article.~~

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

8 ~~SEC. 9:~~

9 *SEC. 8.* Section 5570 of the Civil Code is amended to read:

10 5570. (a) The disclosures required by this article with regard
11 to an association or a property shall be summarized on the
12 following form:

13
14
15 Assessment and Reserve Funding Disclosure Summary For the
16 Fiscal Year Ending _____
17

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

22 (2) Additional regular or special assessments that have already
23 been scheduled to be imposed or charged, regardless of the purpose,
24 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:	

25
26
27
28
29
30
31
32
33
34
35
36 Note: If assessments vary by the size or type of ownership
37 interest, the assessment applicable to this ownership interest may
38 be found on page _____ of the attached report.

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

6 Yes _____ No _____

7 (4) If the answer to (3) is no, what additional assessments or
 8 other contributions to reserves would be necessary to ensure that
 9 sufficient reserve funds will be available each year during the next
 10 30 years that have not yet been approved by the board or the
 11 members?

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

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22 (5) All major components are included in the reserve study and
 23 are included in its calculations.

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

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

34 (7) Based on the method of calculation in paragraph (4) of
 35 subdivision (b) of Section 5570 of the Civil Code, the estimated
 36 amount required in the reserve fund at the end of each of the next
 37 five budget years is \$____, and the projected reserve fund cash
 38 balance in each of those years, taking into account only assessments
 39 already approved and other known revenues, is \$____, leaving

1 the reserve at _____ percent funded. If the reserve funding plan
2 approved by the association is implemented, the projected reserve
3 fund cash balance in each of those years will be \$_____, leaving
4 the reserve at _____ percent funded.

5
6 Note: The financial representations set forth in this summary
7 are based on the best estimates of the preparer at that time. The
8 estimates are subject to change. At the time this summary was
9 prepared, the assumed long-term before-tax interest rate earned
10 on reserve funds was ____ percent per year, and the assumed
11 long-term inflation rate to be applied to major component repair
12 and replacement costs was ____ percent per year.

13
14 (b) For the purposes of preparing a summary pursuant to this
15 section:

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

19 (2) “Major component” has the meaning used in Section 5550.
20 Components with an estimated remaining useful life of more than
21 30 years may be included in a study as a capital asset or disregarded
22 from the reserve calculation, so long as the decision is revealed in
23 the reserve study report and reported in the Assessment and
24 Reserve Funding Disclosure Summary.

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

30 (4) For the purpose of the report and summary, the amount of
31 reserves needed to be accumulated for a component at a given time
32 shall be computed as the current cost of replacement or repair
33 multiplied by the number of years the component has been in
34 service divided by the useful life of the component. This shall not
35 be construed to require the board to fund reserves in accordance
36 with this calculation.

37 ~~SEC. 10.~~

38 *SEC. 9.* Section 12955.9 of the Government Code is amended
39 to read:

1 12955.9. (a) The provisions of this part relating to
2 discrimination on the basis of familial status shall not apply to
3 housing for older persons.

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

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

10 (2) Housing that meets the standards for senior housing in
11 Sections 51.2, 51.3, and 51.4 of the Civil Code, except to the extent
12 that those standards violate the prohibition of familial status
13 discrimination in the federal Fair Housing Amendments Act of
14 1988 (Public Law 100-430) and implementing regulations.

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

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

21 ~~SEC. 11.~~

22 *SEC. 10.* Section 65584.01 of the Government Code is amended
23 to read:

24 65584.01. (a) For the fourth and subsequent revision of the
25 housing element pursuant to Section 65588, the department, in
26 consultation with each council of governments, where applicable,
27 shall determine the existing and projected need for housing for
28 each region in the following manner:

29 (b) The department’s determination shall be based upon
30 population projections produced by the Department of Finance
31 and regional population forecasts used in preparing regional
32 transportation plans, in consultation with each council of
33 governments. If the total regional population forecast for the
34 projection year, developed by the council of governments and used
35 for the preparation of the regional transportation plan, is within a
36 range of 3 percent of the total regional population forecast for the
37 projection year by the Department of Finance, then the population
38 forecast developed by the council of governments shall be the basis
39 from which the department determines the existing and projected
40 need for housing in the region. If the difference between the total

1 population projected by the council of governments and the total
2 population projected for the region by the Department of Finance
3 is greater than 3 percent, then the department and the council of
4 governments shall meet to discuss variances in methodology used
5 for population projections and seek agreement on a population
6 projection for the region to be used as a basis for determining the
7 existing and projected housing need for the region. If no agreement
8 is reached, then the population projection for the region shall be
9 the population projection for the region prepared by the Department
10 of Finance as may be modified by the department as a result of
11 discussions with the council of governments.

12 (c) (1) At least 26 months prior to the scheduled revision
13 pursuant to Section 65588 and prior to developing the existing and
14 projected housing need for a region, the department shall meet and
15 consult with the council of governments regarding the assumptions
16 and methodology to be used by the department to determine the
17 region's housing needs. The council of governments shall provide
18 data assumptions from the council's projections, including, if
19 available, the following data for the region:

20 (A) Anticipated household growth associated with projected
21 population increases.

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

23 (C) The rate of household formation, or headship rates, based
24 on age, gender, ethnicity, or other established demographic
25 measures.

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

29 (E) Other characteristics of the composition of the projected
30 population.

31 (F) The relationship between jobs and housing, including any
32 imbalance between jobs and housing.

33 (2) The department may accept or reject the information
34 provided by the council of governments or modify its own
35 assumptions or methodology based on this information. After
36 consultation with the council of governments, the department shall
37 make determinations in writing on the assumptions for each of the
38 factors listed in subparagraphs (A) to (F), inclusive, of paragraph
39 (1) and the methodology it shall use and shall provide these
40 determinations to the council of governments.

1 (d) (1) After consultation with the council of governments, the
 2 department shall make a determination of the region’s existing
 3 and projected housing need based upon the assumptions and
 4 methodology determined pursuant to subdivision (c). The region’s
 5 existing and projected housing need shall reflect the achievement
 6 of a feasible balance between jobs and housing within the region
 7 using the regional employment projections in the applicable
 8 regional transportation plan. Within 30 days following notice of
 9 the determination from the department, the council of governments
 10 may file an objection to the department’s determination of the
 11 region’s existing and projected housing need with the department.

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

14 (A) The department failed to base its determination on the
 15 population projection for the region established pursuant to
 16 subdivision (b), and shall identify the population projection which
 17 the council of governments believes should instead be used for the
 18 determination and explain the basis for its rationale.

19 (B) The regional housing need determined by the department
 20 is not a reasonable application of the methodology and assumptions
 21 determined pursuant to subdivision (c). The objection shall include
 22 a proposed alternative determination of its regional housing need
 23 based upon the determinations made in subdivision (c), including
 24 analysis of why the proposed alternative would be a more
 25 reasonable application of the methodology and assumptions
 26 determined pursuant to subdivision (c).

27 (3) If a council of governments files an objection pursuant to
 28 this subdivision and includes with the objection a proposed
 29 alternative determination of its regional housing need, it shall also
 30 include documentation of its basis for the alternative determination.
 31 Within 45 days of receiving an objection filed pursuant to this
 32 section, the department shall consider the objection and make a
 33 final written determination of the region’s existing and projected
 34 housing need that includes an explanation of the information upon
 35 which the determination was made.

36 ~~SEC. 12.~~

37 *SEC. 11.* Section 65863.10 of the Government Code is amended
 38 to read:

39 65863.10. (a) As used in this section, the following terms have
 40 the following meanings:

- 1 (1) “Affected public entities” means the mayor of the city in
2 which the assisted housing development is located, or, if located
3 in an unincorporated area, the chair of the board of supervisors of
4 the county; the appropriate local public housing authority, if any;
5 and the Department of Housing and Community Development.
- 6 (2) “Affected tenant” means a tenant household residing in an
7 assisted housing development, as defined in paragraph (3), at the
8 time notice is required to be provided pursuant to this section, that
9 benefits from the government assistance.
- 10 (3) “Assisted housing development” means a multifamily rental
11 housing development that receives governmental assistance under
12 any of the following programs:
- 13 (A) New construction, substantial rehabilitation, moderate
14 rehabilitation, property disposition, and loan management set-aside
15 programs, or any other program providing project-based assistance,
16 under Section 8 of the United States Housing Act of 1937, as
17 amended (42 U.S.C. Sec. 1437f).
- 18 (B) The following federal programs:
- 19 (i) The Below-Market-Interest-Rate Program under Section
20 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715 l(d)(3)
21 and (5)).
- 22 (ii) Section 236 of the National Housing Act (12 U.S.C. Sec.
23 1715z-1).
- 24 (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec.
25 1701q).
- 26 (C) Programs for rent supplement assistance under Section 101
27 of the Housing and Urban Development Act of 1965, as amended
28 (12 U.S.C. Sec. 1701s).
- 29 (D) Programs under Sections 514, 515, 516, 533, and 538 of
30 the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).
- 31 (E) Section 42 of the Internal Revenue Code.
- 32 (F) Section 142(d) of the Internal Revenue Code or its
33 predecessors (tax-exempt private activity mortgage revenue bonds).
- 34 (G) Section 147 of the Internal Revenue Code (Section 501(c)(3)
35 bonds).
- 36 (H) Title I of the Housing and Community Development Act
37 of 1974, as amended (Community Development Block Grant
38 Program).

1 (I) Title II of the Cranston-Gonzalez National Affordable
2 Housing Act of 1990, as amended (HOME Investment Partnership
3 Program).

4 (J) Titles IV and V of the McKinney-Vento Homeless Assistance
5 Act of 1987, as amended, including the Department of Housing
6 and Urban Development’s Supportive Housing Program, Shelter
7 Plus Care Program, and surplus federal property disposition
8 program.

9 (K) Grants and loans made by the Department of Housing and
10 Community Development, including the Rental Housing
11 Construction Program, CHRP-R, and other rental housing finance
12 programs.

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

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

20 (i) Loans or grants provided using tax increment financing
21 pursuant to the Community Redevelopment Law (Part 1
22 commencing with Section 33000) of Division 24 of the Health
23 and Safety Code).

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

26 (iii) The sale or lease of public property at or below market
27 rates.

28 (iv) The granting of density bonuses, or concessions or
29 incentives, including fee waivers, parking variances, or
30 amendments to general plans, zoning, or redevelopment project
31 area plans, pursuant to Chapter 4.3 (commencing with Section
32 65915).

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

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

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

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

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

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

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

24 (b) (1) At least 12 months prior to the anticipated date of the
25 termination of a subsidy contract, the expiration of rental
26 restrictions, or prepayment on an assisted housing development,
27 the owner proposing the termination or prepayment of
28 governmental assistance or the owner of an assisted housing
29 development in which there will be the expiration of rental
30 restrictions shall provide a notice of the proposed change to each
31 affected tenant household residing in the assisted housing
32 development at the time the notice is provided and to the affected
33 public entities. An owner who meets the requirements of Section
34 65863.13 shall be exempt from providing that notice. The notice
35 shall contain all of the following:

36 (A) In the event of termination, a statement that the owner
37 intends to terminate the subsidy contract or rental restrictions upon
38 its expiration date, or the expiration date of any contract extension
39 thereto.

1 (B) In the event of the expiration of rental restrictions, a
2 statement that the restrictions will expire, and in the event of
3 prepayment, termination, or the expiration of rental restrictions
4 whether the owner intends to increase rents during the 12 months
5 following prepayment, termination, or the expiration of rental
6 restrictions to a level greater than permitted under Section 42 of
7 the Internal Revenue Code.

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

12 (D) The anticipated date of the termination, prepayment of the
13 federal or other program or expiration of rental restrictions, and
14 the identity of the federal or other program described in subdivision
15 (a).

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

19 (F) A statement of the possibility that the housing may remain
20 in the federal or other program after the proposed date of
21 termination of the subsidy contract or prepayment if the owner
22 elects to do so under the terms of the federal government's or other
23 program operator's offer.

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

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

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

34 (2) Notwithstanding paragraph (1), if an owner provides a copy
35 of a federally required notice of termination of a subsidy contract
36 or prepayment at least 12 months prior to the proposed change to
37 each affected tenant household residing in the assisted housing
38 development at the time the notice is provided and to the affected
39 public entities, the owner shall be deemed in compliance with this
40 subdivision, if the notice is in compliance with all federal laws.

1 However, the federally required notice does not satisfy the
2 requirements of Section 65863.11.

3 (c) (1) At least six months prior to the anticipated date of
4 termination of a subsidy contract, expiration of rental restrictions
5 or prepayment on an assisted housing development, the owner
6 proposing the termination or prepayment of governmental
7 assistance or the owner of an assisted housing development in
8 which there will be the expiration of rental restrictions shall provide
9 a notice of the proposed change to each affected tenant household
10 residing in the assisted housing development at the time the notice
11 is provided and to the affected public entities. An owner who meets
12 the requirements of Section 65863.13 shall be exempt from
13 providing that notice.

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

15 (A) The anticipated date of the termination or prepayment of
16 the federal or other program, or the expiration of rental restrictions,
17 and the identity of the federal or other program, as described in
18 subdivision (a).

19 (B) The current rent and rent anticipated for the unit during the
20 12 months immediately following the date of the prepayment or
21 termination of the federal or other program, or expiration of rental
22 restrictions.

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

27 (D) A statement of the possibility that the housing may remain
28 in the federal or other program after the proposed date of subsidy
29 termination or prepayment if the owner elects to do so under the
30 terms of the federal government's or other program administrator's
31 offer or that a rent increase may not take place due to the expiration
32 of rental restrictions.

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

36 (F) The name and telephone number of the city, county, or city
37 and county, the appropriate local public housing authority, if any,
38 the Department of Housing and Community Development, and a
39 legal services organization, that can be contacted to request

1 additional written information about an owner’s responsibilities
2 and the rights and options of an affected tenant.

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

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

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

38 (f) This section shall not require the owner to obtain or acquire
39 additional information that is not contained in the existing tenant
40 and project records, or to update any information in his or her

1 records. The owner shall not be held liable for any inaccuracies
2 contained in these records or from other sources, nor shall the
3 owner be liable to any party for providing this information.

4 (g) For purposes of this section, service of the notice to the
5 affected tenants, the city, county, or city and county, the appropriate
6 local public housing authority, if any, and the Department of
7 Housing and Community Development by the owner pursuant to
8 subdivisions (b) to (e), inclusive, shall be made by first-class mail
9 postage prepaid.

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

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

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

22 (k) The Director of Housing and Community Development shall
23 approve forms to be used by owners to comply with subdivisions
24 (b) and (c). Once the director has approved the forms, an owner
25 shall use the approved forms to comply with subdivisions (b) and
26 (c).

27 ~~SEC. 13.~~

28 *SEC. 12.* Section 17913 of the Health and Safety Code is
29 amended to read:

30 17913. (a) The department shall notify the entities listed in
31 subdivision (c) of the dates that each of the international or uniform
32 codes published by the specific organizations described in
33 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 17922
34 are approved by the California Building Standards Commission
35 pursuant to Section 18930 and the effective date of the model codes
36 as established by the California Building Standards Commission.

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

1 (c) The department shall distribute the information described
2 in subdivision (a), and may distribute the information described
3 in subdivision (b), to the following entities:

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

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

8 ~~SEC. 14.~~

9 *SEC. 13.* Section 17921.3 of the Health and Safety Code is
10 repealed.

11 ~~SEC. 15.~~

12 *SEC. 14.* Section 17921.9 of the Health and Safety Code is
13 repealed.

14 ~~SEC. 16.~~

15 *SEC. 15.* Section 17922 of the Health and Safety Code is
16 amended to read:

17 17922. (a) Except as otherwise specifically provided by law,
18 the building standards adopted and submitted by the department
19 for approval pursuant to Chapter 4 (commencing with Section
20 18935) of Part 2.5, and the other rules and regulations that are
21 contained in Title 24 of the California Code of Regulations, as
22 adopted, amended, or repealed from time to time pursuant to this
23 chapter shall be adopted by reference, except that the building
24 standards and rules and regulations shall include any additions or
25 deletions made by the department. The building standards and
26 rules and regulations shall impose substantially the same
27 requirements as are contained in the most recent editions of the
28 following international or uniform industry codes as adopted by
29 the organizations specified:

30 (1) The Uniform Housing Code of the International Conference
31 of Building Officials, except its definition of “substandard
32 building.”

33 (2) The International Building Code of the International Code
34 Council.

35 (3) The International Residential Code of the International Code
36 Council.

37 (4) The Uniform Plumbing Code of the International Association
38 of Plumbing and Mechanical Officials.

39 (5) The Uniform Mechanical Code of the International
40 Association of Plumbing and Mechanical Officials.

1 (6) The National Electrical Code of the National Fire Protection
2 Association.

3 (7) The International Existing Building Code of the International
4 Code Council.

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

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

21 (d) Regulations other than building standards which are adopted,
22 amended, or repealed by the department, and building standards
23 adopted and submitted by the department for approval pursuant
24 to Chapter 4 (commencing with Section 18935) of Part 2.5,
25 governing alteration and repair of existing buildings and moving
26 of apartment houses and dwellings shall permit the replacement,
27 retention, and extension of original materials and the continued
28 use of original methods of construction as long as the hotel,
29 lodginghouse, motel, apartment house, or dwelling, or portions
30 thereof, or building and structure accessory thereto, complies with
31 the provisions published in the California Building Standards Code
32 and the other rules and regulations of the department or alternative
33 local standards adopted pursuant to subdivision (b) of Section
34 13143.2 or Section 17958.5 and does not become or continue to
35 be a substandard building. Building additions or alterations which
36 increase the area, volume, or size of an existing building, and
37 foundations for apartment houses and dwellings moved, shall
38 comply with the requirements for new buildings or structures
39 specified in this part, or in building standards published in the
40 California Building Standards Code, or in the other rules and

1 regulations adopted pursuant to this part. However, the additions
2 and alterations shall not cause the building to exceed area or height
3 limitations applicable to new construction.

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

20 (f) A local enforcement agency may not prohibit the use of
21 materials, appliances, installations, devices, arrangements, or
22 methods of construction specifically permitted by the department
23 to be used in the alteration or repair of existing buildings, but those
24 materials, appliances, installations, devices, arrangements, or
25 methods of construction may be specifically prohibited by local
26 ordinance as provided pursuant to Section 17958.5.

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

31 ~~SEC. 17.~~

32 *SEC. 16.* Section 17922.3 of the Health and Safety Code is
33 amended to read:

34 17922.3. Notwithstanding any other provision of law, a
35 residential structure that is moved into, or within, the jurisdiction
36 of a local agency or the department, shall not be treated as a new
37 building or structure, but rather shall be treated, for the purposes
38 of this part, as subject to Section 17958.9.

1 ~~SEC. 18.~~

2 *SEC. 17.* Section 17958.1 of the Health and Safety Code is
3 amended to read:

4 17958.1. Notwithstanding Sections 17922, 17958, and 17958.5,
5 a city, county, or city and county may, by ordinance, permit
6 efficiency units for occupancy by no more than two persons which
7 have a minimum floor area of 150 square feet and which may also
8 have partial kitchen or bathroom facilities, as specified by the
9 ordinance. In all other respects, these efficiency units shall conform
10 to minimum standards for those occupancies otherwise made
11 applicable pursuant to this part.

12 “Efficiency unit,” as used in this section, has the same meaning
13 specified in the International Building Code of the International
14 Code Council, as incorporated by reference in Part 2 of Title 24
15 of the California Code of Regulations.

16 ~~SEC. 19.~~

17 *SEC. 18.* Section 17959.1 of the Health and Safety Code is
18 amended to read:

19 17959.1. (a) A city or county shall administratively approve
20 applications to install solar energy systems through the issuance
21 of a building permit or similar nondiscretionary permit. However,
22 if the building official of the city or county has a good faith belief
23 that the solar energy system could have a specific, adverse impact
24 upon the public health and safety, the city or county may require
25 the applicant to apply for a use permit.

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

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

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

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

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

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

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

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

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

30 ~~SEC. 20.~~

31 *SEC. 19.* Section 18080.5 of the Health and Safety Code is
 32 amended to read:

33 18080.5. (a) A numbered report of sale, lease, or rental form
 34 issued by the department shall be submitted each time the following
 35 transactions occur by or through a dealer:

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

39 (2) Whenever a manufactured home, mobilehome, or
 40 commercial coach not previously registered in this state is sold,

1 rented, leased, leased with an option to buy, or otherwise
2 transferred.

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

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

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

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

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

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

28 (d) In addition to the other requirements of this section, every
29 dealer upon transferring by sale, lease, or otherwise any
30 manufactured home or mobilehome shall, not later than the 10th
31 calendar day thereafter, not counting the date of sale, give written
32 notice of the transfer to the assessor of the county where the
33 manufactured home or mobilehome is to be installed. The written
34 notice shall be upon forms provided by the department containing
35 any information that the department may require, after consultation
36 with the assessors. Filing of a copy of the notice with the assessor
37 in accordance with this section shall be in lieu of filing a change
38 of ownership statement pursuant to Sections 480 and 482 of the
39 Revenue and Taxation Code.

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

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

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

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

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

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

28 ~~SEC. 21.~~

29 *SEC. 20.* Section 18935 of the Health and Safety Code is
30 amended to read:

31 18935. (a) Notice of proposed building standards shall be
32 given and hearings shall be held by the adopting agencies, as
33 required by the Administrative Procedure Act, prior to the adoption
34 of the building standards and submission to the commission for
35 approval. The notice of proposed building standards and the initial
36 statement of reasons for the proposed building standards shall
37 comply with Article 5 (commencing with Section 11346) of
38 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
39 Code. The adopting agency or state agency that proposes the
40 building standards shall submit the notice and initial statement of

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

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

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

32 ~~SEC. 22.~~

33 *SEC. 21.* 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 *international or* uniform industry codes
5 as adopted or amended from time to time by the organizations
6 specified:

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

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

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

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

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

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

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

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

34 ~~SEC. 23.~~

35 ~~SEC. 22.~~ Section 50074 of the Health and Safety Code is
36 amended to read:

37 50074. "Housing sponsor," for the purpose of housing assisted
38 by the department, means any individual, joint venture, partnership,
39 limited partnership, trust, corporation, limited equity housing
40 cooperative, cooperative, local public entity, duly constituted

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

13 ~~SEC. 24.~~

14 *SEC. 23.* Section 50104.6.5 is added to the Health and Safety
15 Code, to read:

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

26 ~~SEC. 25.~~

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

29 ~~SEC. 26.~~

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

32 50784.7. (a) The department may make loans to resident
33 organizations or qualified nonprofit sponsors from the Mobilehome
34 Park Rehabilitation and Purchase Fund for the purpose of assisting
35 lower income homeowners to do any of the following:

- 36 (1) Make repairs to their mobilehomes.
- 37 (2) Make accessibility-related upgrades to their mobilehomes.
- 38 (3) Replace their mobilehomes.

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

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

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

9 (c) The department may adopt guidelines to implement this
10 section.

11 ~~SEC. 27.~~

12 *SEC. 26.* Section 50800.5 of the Health and Safety Code is
13 amended to read:

14 50800.5. (a) There is hereby created in the State Treasury the
15 Emergency Housing and Assistance Fund. Notwithstanding Section
16 13340 of the Government Code, all money in the fund is
17 continuously appropriated to the department to carry out the
18 purposes of this chapter. Any repayments, interest, or new
19 appropriations shall be deposited in the fund, notwithstanding
20 Section 16305.7 of the Government Code. Money in the fund shall
21 not be subject to transfer to any other fund pursuant to any
22 provision of Part 2 (commencing with Section 16300) of Division
23 4 of Title 2 of the Government Code, except to the Surplus Money
24 Investment Fund.

25 (b) All moneys in the Emergency Housing and Assistance Fund,
26 created pursuant to Section 50800.5 as it existed prior to the
27 effective date of the act that adds this chapter, shall be transferred,
28 on the effective date of the act that adds this chapter, to the
29 Emergency Housing and Assistance Fund created by subdivision
30 (a).

31 (c) The department may require the transfer of moneys in the
32 Emergency Housing and Assistance Fund to the Surplus Money
33 Investment Fund for investment pursuant to Article 4 (commencing
34 with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title
35 2 of the Government Code. All interest, dividends, and pecuniary
36 gains from these investments shall accrue to the Emergency
37 Housing and Assistance Fund, notwithstanding Section 16305.7
38 of the Government Code.

39 (d) To the extent funds are made available by the Legislature,
40 moneys in the fund may be used for the purposes of Chapter 19

1 (commencing with Section 50899.1) of Part 2 of Division 31 of
2 the Health and Safety Code.

3 (e) The Department of Housing and Community Development
4 may transfer any unobligated Proposition 46 and Proposition 1C
5 bond funds to the Housing Rehabilitation Loan Fund, less any
6 funds needed for state operations to support outstanding awards
7 as determined by the Department of Housing and Community
8 Development, to be expended for the Multifamily Housing Program
9 authorized by Chapter 6.7 (commencing with Section 50675), to
10 be used for supportive housing for the target population identified
11 in Section 50675.14.

O