

Assembly Bill No. 672

CHAPTER 367

An act to amend Section 798.73 of, and to add Section 798.83 to, the Civil Code, relating to mobilehome parks.

[Approved by Governor August 26, 1997. Filed with
Secretary of State August 26, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 672, Honda. Mobilehome parks: mobilehome transfers.

Existing law allows the management of a mobilehome park, in the event of a sale of the mobilehome to a 3rd party, to require that the mobilehome be removed from the park if, among other factors, it is in a significantly rundown condition or in disrepair. In these circumstances, the management of the park is prohibited from requiring repairs or improvements to the park space or property owned by the management, except as specified.

This bill would provide that, in the context of any sale or transfer of a mobilehome that will remain in the park, the management of the park shall also be prohibited from requiring repairs or improvements to the park space or property owned by the management, except as specified. It also would make a conforming change.

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

SECTION 1. Section 798.73 of the Civil Code is amended to read:

798.73. The management shall not require the removal of a mobilehome from the park in the event of its sale to a third party during the term of the homeowner's rental agreement. However, in the event of a sale to a third party, in order to upgrade the quality of the park, the management may require that a mobilehome be removed from the park where:

(a) It is not a "mobilehome" within the meaning of Section 798.3.

(b) It is more than 20 years old, or more than 25 years old if manufactured after September 15, 1971, and is 20 feet wide or more, and the mobilehome does not comply with the health and safety standards provided in Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(c) The mobilehome is more than 17 years old, or more than 25 years old if manufactured after September 15, 1971, and is less than 20 feet wide, and the mobilehome does not comply with the construction and safety standards under Sections 18550, 18552, and



18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(d) It is in a significantly rundown condition or in disrepair, as determined by the general condition of the mobilehome and its acceptability to the health and safety of the occupants and to the public, exclusive of its age. The management shall use reasonable discretion in determining the general condition of the mobilehome and its accessory structures. The management shall bear the burden of demonstrating that the mobilehome is in a significantly rundown condition or in disrepair. The management of the park shall not require repairs or improvements to the park space or property owned by the management, except for damage caused by the actions or negligence of the homeowner or an agent of the homeowner.

SEC. 2. Section 798.83 is added to the Civil Code, to read:

798.83. In the case of a sale or transfer of a mobilehome that will remain in the park, the management of the park shall not require repairs or improvements to the park space or property owned by the management, except for damage caused by the actions or negligence of the homeowner or an agent of the homeowner.

