

AMENDED IN SENATE MARCH 31, 1997

SENATE BILL

No. 384

Introduced by Senator Craven

February 14, 1997

An act to amend Section 1102 of the Civil Code, and to amend Section 18160 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 384, as amended, Craven. Housing: manufactured homes and mobilehomes.

Existing law makes provisions for the disclosure of specified information upon the transfer of residential real property applicable to the resale of a manufactured home or mobilehome, as defined, on or after January 1, 1999.

This bill would provide that the disclosure requirements would apply to the manufactured home or mobilehome ~~regardless of the fact that they are defined as personal property~~ *if they are classified as personal property*.

Existing law also expresses the intent of the Legislature that the Senate and Assembly jointly appoint an advisory task force, as specified, and requires the task force to report its findings and recommendations to the Legislature no later than July 1, 1997.

This bill would instead require the task force to report its findings no later than January 1, 1998.

This bill would provide that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 1102 of the Civil Code is
 2 amended to read:
 3 1102. (a) Except as provided in Section 1102.2, this
 4 article applies to any transfer by sale, exchange,
 5 installment land sale contract, as defined in Section 2985,
 6 lease with an option to purchase, any other option to
 7 purchase, or ground lease coupled with improvements, of
 8 real property, or residential stock cooperative, improved
 9 with or consisting of not less than one nor more than four
 10 dwelling units.
 11 (b) This article shall be applicable to the resale on or
 12 after January 1, 1999, of a manufactured home, as defined
 13 in Section 18007 of the Health and Safety Code, *which is*
 14 *classified as personal property*, or a mobilehome, as
 15 defined in Section 18008 of the Health and Safety Code,
 16 ~~regardless of the fact that these manufactured homes and~~
 17 ~~mobilehomes are defined as~~ *which is classified as personal*
 18 *property.*
 19 (c) Any waiver of the requirements of this article is
 20 void as against public policy.
 21 SEC. 2. Section 18160 of the Health and Safety Code
 22 is amended to read:
 23 18160. (a) It is the intent of the Legislature in
 24 enacting the requirements of subdivision (b) of Section
 25 1102 of the Civil Code, relating to disclosure in the resale
 26 of manufactured homes and mobilehomes, that the
 27 Senate and the Assembly jointly appoint an advisory task
 28 force, composed of representatives of mobilehome
 29 owners, mobilehome park owners, mobilehome dealers,
 30 real estate brokers, the Department of Housing and
 31 Community Development, and other organizations or
 32 persons knowledgeable about manufactured homes and
 33 mobilehomes, to review and propose modifications or
 34 additions to Article 1.5 (commencing with Section 1102)
 35 of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil



1 Code, including changes to the disclosure form set forth
2 in Section 1102.6 of the Civil Code that may be necessary
3 to make Article 1.5 (commencing with Section 1102) of
4 Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code
5 fully applicable to manufactured homes or mobilehomes,
6 which are not ~~defined~~ *classified* as real property. The
7 advisory task force shall, no later than January 1, 1998,
8 report its findings and recommendations to the
9 Legislature.

10 (b) This chapter shall remain in effect only until
11 January 1, 1999, and as of that date is repealed, unless a
12 later enacted statute, which is enacted before January 1,
13 1999, deletes or extends that date.

14 SEC. 3. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or
16 safety within the meaning of Article IV of the
17 Constitution and shall go into immediate effect. The facts
18 constituting the necessity are:

19 In order to clarify that real estate disclosure
20 requirements are currently, rather than on or *after*
21 January 1, 1999, applicable to mobilehomes and
22 manufactured homes ~~defined~~ *which are classified* as real
23 property, it is necessary that this act take effect
24 immediately.

