

Introduced by Senator Craven

February 20, 1997

An act to amend Sections 799, 799.1, 799.3, 799.4, 799.5, and 799.7 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 484, as introduced, Craven. Mobilehomes.

Existing law, the Mobilehome Residency Law, provides for the regulation of specified aspects of residency in a mobilehome park. Existing law provides that specified provisions of the Mobilehome Residency Law govern the rights of a resident who has an ownership interest in the space, subdivision, cooperative, condominium, or resident-owned mobilehome park in which his or her mobilehome is located or installed and that the other provisions apply only to a resident of a subdivision, cooperative, or condominium for mobilehomes who rents or leases a space on which his or her mobilehome is located or installed.

This bill would, among other things, revise and recast these provisions to provide that they govern the rights of a resident who has a nonleasehold interest, as defined, in the space, subdivision, condominium for mobilehomes, or resident-owned mobilehome park in which his or her mobilehome is located or installed and that, in a subdivision, cooperative, condominium for mobilehomes, or resident-owned mobilehome park, the other provisions apply only to a resident who rents or leases a space on which his or her mobilehome park is located or installed.

Vote: majority. 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 799 of the Civil Code is amended
2 to read:

3 799. As used in this article:

4 (a) *“Nonleasehold interest” means an ownership*
5 *interest that is not based upon a lease.*

6 (b) *“Ownership or management” means the*
7 *ownership or management of a subdivision, cooperative,*
8 *or condominium for mobilehomes, or of a resident-owned*
9 *mobilehome park.*

10 ~~(b)~~
11 (c) *“Resident” means a person who maintains a*
12 *residence in a subdivision, cooperative, or condominium*
13 *for mobilehomes, or a resident-owned mobilehome park.*

14 (d) *“Resident-owned mobilehome park” means any*
15 *entity other than a subdivision, cooperative, and*
16 *condominium for mobilehomes, through which the*
17 *residents have a nonleasehold interest in the mobilehome*
18 *part.*

19 SEC. 2. Section 799.1 of the Civil Code is amended to
20 read:

21 799.1. This article shall govern the rights of a resident
22 who has ~~an ownership~~ *a nonleasehold* interest in the
23 space, subdivision, cooperative, condominium *for*
24 *mobilehomes,* or resident-owned mobilehome park in
25 which his or her mobilehome is located or installed.
26 ~~Articles~~ *In a subdivision, cooperative, condominium for*
27 *mobilehomes, or a resident-owned mobilehome park,*
28 *Articles 1* (commencing with Section 798) to 8
29 (commencing with Section 798.84), inclusive, shall apply
30 only to a resident ~~of a subdivision, cooperative, or~~
31 ~~condominium for mobilehomes~~ who rents or leases a
32 space on which his or her mobilehome is located or
33 installed.

34 SEC. 3. Section 799.3 of the Civil Code is amended to
35 read:



1 799.3. The ownership or management shall not
2 require the removal of a mobilehome from a subdivision,
3 cooperative, condominium *for mobilehomes*, or
4 resident-owned mobilehome park in the event of its sale
5 to a third party.

6 SEC. 4. Section 799.4 of the Civil Code is amended to
7 read:

8 799.4. The ownership or management may require
9 the right to prior approval of the purchaser of a
10 mobilehome that will remain in the subdivision,
11 cooperative, ~~or~~ condominium for mobilehomes, or
12 resident-owned mobilehome park and that the selling
13 resident, or his or her agent give notice of the sale to the
14 ownership or management before the close of the sale.
15 Approval cannot be withheld if the purchaser has the
16 financial ability to pay the fees and charges of the
17 subdivision, cooperative, condominium *for mobilehomes*,
18 or resident-owned mobilehome park unless the
19 ownership or management reasonably determines that,
20 based on the purchaser's prior residences, he or she will
21 not comply with the rules and regulations of the
22 subdivision, cooperative, ~~or~~ condominium *for*
23 *mobilehomes, or resident-owned mobilehome park.*

24 SEC. 5. Section 799.5 of the Civil Code is amended to
25 read:

26 799.5. The ownership or management may require
27 that a purchaser of a mobilehome that will remain in the
28 subdivision, cooperative, condominium *for mobilehomes*,
29 or resident-owned mobilehome park—~~for mobilehomes~~,
30 comply with any rule or regulation limiting residency
31 based on age requirements for housing for older persons,
32 provided that the rule or regulation complies with the
33 provisions of the federal Fair Housing Act, as amended by
34 Public Law 104-76, and implementing regulations.

35 SEC. 6. Section 799.7 of the Civil Code is amended to
36 read:

37 799.7. The ownership or management shall provide,
38 by posting notice on the mobilehomes of all affected
39 homeowners and residents, at least 72 hours' written
40 advance notice of an interruption in utility service of



1 more than two hours for the maintenance, repair, or
2 replacement of facilities of utility systems over which the
3 management has control within the subdivision,
4 cooperative, condominium *for mobilehomes*, or
5 resident-owned mobilehome park, if the interruption is
6 not due to an emergency. The ownership or management
7 shall be liable only for actual damages sustained by a
8 homeowner or resident for violation of this section.

9 “Emergency,” for purposes of this section, means the
10 interruption of utility service resulting from an accident
11 or act of nature, or cessation of service caused by other
12 than the management’s regular or planned maintenance,
13 repair, or replacement of utility facilities.

