

Senate Bill No. 485

CHAPTER 773

An act to amend Sections 18400.1, 18424, and 18502 of the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

[Approved by Governor September 22, 1998. Filed
with Secretary of State September 23, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 485, Craven. Mobilehome parks: inspections.

(1) Existing law, known as the Mobilehome Parks Act, contains various provisions with respect to the inspection of mobilehomes, including provisions requiring certain local enforcement agencies to enter and inspect all mobilehome parks once every 7 years, as specified, and to submit a report to the Department of Housing and Community Development on the status of the mobilehome park inspection program prior to January 1, 1994. Existing law requires that report to include specified information, including the number of parks and spaces that are scheduled for inspection. Existing law further requires the department to submit a similar report on the inspection program containing the same categories of information, to the Senate Committee on Local Government, the Senate Select Committee on Mobilehomes, and the Assembly Committee on Housing and Community Development, by January 1, 1995. Existing law provides that these provisions shall remain in effect only until January 1, 1999, unless a later enacted statute, enacted before January 1, 1999, deletes or extends that date.

This bill instead would require the local enforcement agencies to enter and inspect all mobilehome parks once every 8 years and to submit the required report to the Department of Housing and Community Development after completion of the program's first 7-year cycle and prior to March 1, 1999, thereby imposing a state-mandated local program, and would delete the requirement that the report include information about the number of parks and spaces that are scheduled for inspection. The bill would require the department to submit its status report to the Senate Committee on Local Government, the Senate Select Committee on Mobile and Manufactured Homes, and the Assembly Committee on Housing and Community Development, by May 1, 1999. The bill would delete the requirement that the report of the department include information about the number of parks and spaces that are scheduled for inspection and would delete a requirement that the report of the department discuss program deviations that exist between the local

enforcement agency and the department and obstacles encountered while implementing the program.

The bill also would extend the last date these provisions are effective to January 1, 2000, unless a later enacted statute, enacted before January 1, 2000, deletes or extends that date.

(2) The Mobilehome Parks Act sets specified fees relating to annual operating permits with regard to incidental camping areas of mobilehome parks. These fees are paid to the Department of Housing and Community Development and deposited in the continuously appropriated Mobilehome Parks Revolving Fund. A provision of the act, operative until January 1, 1999, sets an annual fee of \$4 per lot and requires the revenues derived from this fee to be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the act.

This bill would extend the operation of the provision requiring payment of the annual fee of \$4 per lot until January 1, 2000. Because the bill would, by extending the period during which payment of this fee would be required, cause additional fees to be paid into the continuously appropriated Mobilehome Parks Revolving Fund, the bill would make an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Appropriation: yes.

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

SECTION 1. Section 18400.1 of the Health and Safety Code is amended to read:

18400.1. (a) The enforcement agency shall enter and inspect all mobilehome parks, as required under this part, at least once every eight years, to ensure enforcement of this part and the regulations adopted pursuant to this part. Any notices of violation of this part shall be issued pursuant to Chapter 3.5 (commencing with Section 18420).

(b) In developing its program for inspections, the enforcement agency shall give first priority to inspections of those mobilehome parks which it believes may have the most serious violations of this part.



(c) Nothing in this part shall be construed to allow the enforcement agency to issue a notice for a violation of existing laws or regulations which were not violations of the laws or regulations at the time the mobilehome park received its original permit to operate or at the time the manufactured home or mobilehome received its original installation permit, unless the enforcement agency determines that a condition of the park, manufactured home, or mobilehome endangers the life, limb, health, or safety of the public or occupants thereof.

(d) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2000, deletes or extends that date.

(e) Any local enforcement agency that relinquishes enforcement authority over to the department shall remit to the department fees collected pursuant to paragraph (2) of subdivision (c) of Section 18502 that have not been expended for purposes of that paragraph.

(f) Each local enforcement agency that has assumed enforcement authority and has collected fees pursuant to paragraph (2) of subdivision (b) of Section 18502, shall provide the department, prior to March 1, 1999, with a status report on its specific inspection program after completion of the program's first seven-year cycle. The report shall include information on the number of parks and spaces in its jurisdiction, the number of parks and spaces that have been inspected, the number and types of notices of violations issued against the parks, the number and types of notices of violations issued against the residents, the number of notices of violations appealed, and the amount of fees collected and expended for the purpose of the inspection program.

(g) Notwithstanding Section 7550.5 of the Government Code, the department shall, prior to May 1, 1999, submit a report to the Senate Committee on Local Government, the Senate Select Committee on Mobile and Manufactured Homes, and the Assembly Committee on Housing and Community Development on the status of the mobilehome park inspection program after completion of the program's first seven-year cycle. The report shall include information on the total number of parks and spaces in the state, the number of parks and spaces that have been inspected, the number of notices of violations issued against the parks, the number of notices of violations issued against the residents and the number of notices of violations appealed, and the amount of fees collected and expended for the purpose of the inspection program. The report shall separate the information according to parks inspected by local enforcement agencies, parks inspected by the department, and total program activity. The report shall include any recommendations for changes to make the inspection program operate more effectively in the event that the program is extended beyond January 1, 2000.



SEC. 2. Section 18424 of the Health and Safety Code is amended to read:

18424. This chapter shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2000, deletes or extends that date.

SEC. 3. Section 18502 of the Health and Safety Code, as amended by Section 2 of Chapter 674 of the Statutes of 1994, is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars (\$10).

(c) (1) Except for a temporary recreational vehicle park, an annual operating permit fee of twenty-five dollars (\$25) and an additional two dollars (\$2) per lot or two dollars (\$2) per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area.

(2) Except for a special occupancy park, an additional annual fee of four dollars (\$4) per lot shall be paid to the department or the local enforcement agency, as appropriate, at the time of payment of the annual operating fee. All revenues derived from this fee shall be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the Mobilehome Parks Act (Part 2.1 commencing with Section 18200) and any regulations adopted pursuant to the act.

(3) The Legislature hereby finds and declares that the health and safety of mobilehome park occupants is a matter of public interest and concern and that the fee paid pursuant to paragraph (2) shall be used exclusively for the inspection of mobilehome parks and mobilehomes to ensure that the living conditions of mobilehome park occupants meet the health and safety standards of this part and the regulations adopted pursuant thereto. Therefore, notwithstanding any other provisions of law or local ordinance, rule, regulation, or initiative measure to the contrary, the holder of the permit to operate the mobilehome park shall be entitled to directly charge one-half of the per lot additional annual fee specified herein to each homeowner, as defined in Section 798.9 of the Civil Code. In that event, the holder of the permit to operate the mobilehome park shall be entitled to directly charge each homeowner for one-half of the per lot additional annual fee at the next billing for the rent and other charges immediately following the payment of the additional fee to the department or local enforcement agency.

(d) Temporary recreational vehicle park operating permit fee of twenty-five dollars (\$25), with no additional fee for the lots.



(e) Change in name fee or transfer of ownership or possession fee of ten dollars (\$10).

(f) Duplicate permit fee or amended permit fee of ten dollars (\$10).

(g) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2000, deletes or extends that date.

SEC. 4. Section 18502 of the Health and Safety Code, as amended by Section 3 of Chapter 674 of the Statutes of 1994, is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars (\$10).

(c) Except for a temporary recreational vehicle park, an annual operating permit fee of twenty-five dollars (\$25) and an additional two dollars (\$2) per lot or two dollars (\$2) per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area.

(d) Temporary recreational vehicle park operating permit fee of twenty-five dollars (\$25), with no additional fee for the lots.

(e) Change in name fee or transfer of ownership or possession fee of ten dollars (\$10).

(f) Duplicate permit fee or amended permit fee of ten dollars (\$10).

(g) This section shall become operative on January 1, 2000.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

