

AMENDED IN ASSEMBLY MAY 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 862

Introduced by Assembly Member Correa
(Principal coauthors: Assembly Members Granlund and
Honda)
(Coauthor: Senator Dunn)

February 24, 1999

An act to amend Sections 798.26 and 798.37 of, and to add Sections 798.22.5 and 798.29.7 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 862, as amended, Correa. Mobilehome parks: landscaping.

Existing law, the Mobilehome Residency Law, authorizes the management of a mobilehome park to charge the owner of a mobilehome within the park a reasonable fee for the maintenance of the land and premises upon which the mobilehome is situated in the event the homeowner fails to do so in accordance with the park rules and regulations, as specified. The law prohibits a homeowner from being charged a fee for landscaping as a condition of tenancy in the park, except as specified. The law also authorizes reasonable landscaping requirements within the park rules and regulations.

This bill would require the management to be responsible for the maintenance of all trees and driveways within the

mobilehome park, as specified, would prohibit a resident of a mobilehome park from planting a tree within the mobilehome park without first obtaining written permission from the management, and would authorize the above-described landscaping requirements only if ~~management provides the homeowners with a refuse removal service or specified waste removal receptacle~~ *specified conditions are met*. The bill would require the management to pay for the costs of specified required maintenance, except that a homeowner may be charged for the cost of any damage to trees or driveways caused by an act or the neglect of the homeowner. ~~The bill also would authorize written agreements between the homeowner and park management defining the homeowner's responsibility for care and maintenance of trees located on the homeowner's space.~~ This bill would provide that any mobilehome park rule or regulation shall be in compliance with these provisions.

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 798.22.5 is added to the Civil
- 2 Code, to read:
- 3 798.22.5. (a) The management shall be solely
- 4 responsible for the maintenance of all trees within the
- 5 mobilehome park, including, but not limited to, pruning,
- 6 disposal of trimmings, repair of root damage to driveways
- 7 and foundation systems, and removal. The management
- 8 shall also be responsible for maintenance of all driveways
- 9 within the mobilehome park, including, but not limited
- 10 to, asphalt and concrete repair or replacement, paving,
- 11 and sealing.
- 12 (b) The management shall pay for any costs of
- 13 maintenance required by this section or by Section
- 14 798.37, except that a homeowner may be charged for the
- 15 cost of any damage to trees or driveways caused by an act
- 16 or the neglect of the homeowner.
- 17 (c) This section shall not apply during the term of any
- 18 existing rental agreement between the park



1 management and the homeowner that includes any
2 reference to the responsibility for the maintenance of
3 trees and driveways within the mobilehome park. Upon
4 any renewal or extension, the rental agreement shall
5 comply with this section.

6 ~~(d) Any rental agreement entered into, renewed, or~~
7 ~~extended on and after January 1, 2000, shall include a~~
8 ~~provision located in a prominent location where the~~
9 ~~homeowner may indicate, by initialling, that he or she~~
10 ~~elects to enter into a voluntary separate written~~
11 ~~agreement with the park management to define the~~
12 ~~homeowner's responsibility for the routine care and~~
13 ~~maintenance of all trees located on the space.~~

14 ~~Neither the homeowner's election or nonelection to~~
15 ~~enter into an agreement authorized by this subdivision~~
16 ~~nor the terms of such an agreement shall be the basis for~~
17 ~~the refusal by the park management to enter, renew, or~~
18 ~~extend a rental agreement.~~

19 *(d) This section shall only apply to rental agreements*
20 *entered into, renewed, or extended on and after January*
21 *1, 2000.*

22 (e) Any mobilehome park rule or regulation shall be
23 in compliance with this section.

24 SEC. 2. Section 798.26 of the Civil Code is amended
25 to read:

26 798.26. (a) Except as provided in subdivision (b),
27 and notwithstanding any other provision of law to the
28 contrary, the ownership or management of a park,
29 subdivision, cooperative, or condominium for
30 mobilehomes shall have no right of entry to a
31 mobilehome without the prior written consent of the
32 resident. The consent may be revoked in writing by the
33 resident at any time. The ownership or management shall
34 have a right of entry upon the land upon which a
35 mobilehome is situated for maintenance of utilities, trees,
36 and driveways, for maintenance of the premises in
37 accordance with the rules and regulations of the park
38 when the homeowner or resident fails to so maintain the
39 premises, and protection of the mobilehome park,
40 subdivision, cooperative, or condominium at any



1 reasonable time, but not in a manner or at a time which
2 would interfere with the resident’s quiet enjoyment.

3 (b) The ownership or management of a park,
4 subdivision, cooperative, or condominium for
5 mobilehomes may enter a mobilehome without the prior
6 written consent of the resident in case of an emergency
7 or when the resident has abandoned the mobilehome.

8 SEC. 3. Section 798.29.7 is added to the Civil Code, to
9 read:

10 798.29.7. No resident may plant a tree within the
11 mobilehome park without first obtaining written
12 permission from the management.

13 SEC. 4. Section 798.37 of the Civil Code is amended
14 to read:

15 798.37. A homeowner shall not be charged a fee for
16 the entry, installation, hookup, or landscaping as a
17 condition of tenancy except for an actual fee or cost
18 imposed by a local governmental ordinance or
19 requirement directly related to the occupancy of the
20 specific site upon which the mobilehome is located and
21 not incurred as a portion of the development of the
22 mobilehome park as a whole. However, reasonable
23 landscaping and maintenance requirements may be
24 included in the park rules and regulations only if *either*
25 *the local government provides suitable receptacles*
26 *within the park for tree refuse or, if the local government*
27 *does not provide suitable receptacles within the park for*
28 *tree refuse*, management provides the homeowners with
29 a refuse removal service or waste removal receptacle of
30 sufficient size to accommodate tree refuse, including
31 leaves, and other landscaping material. The management
32 shall not require a homeowner or prospective
33 homeowner to purchase, rent, or lease goods or services
34 for landscaping from any person, company, or
35 corporation.

O

