

AMENDED IN SENATE JULY 15, 1999

AMENDED IN SENATE JULY 2, 1999

AMENDED IN ASSEMBLY MAY 19, 1999

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 Section 798.26 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, and would prohibit a resident of a mobilehome park from planting a tree within the mobilehome park without first obtaining written permission from the management. 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. 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) (1) 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. However, upon
8 receipt of a resident's voluntary written consent,
9 management shall allow a park resident to maintain the
10 trees located within his or her park space. This consent
11 shall not be deemed as voluntary if it is written on a form
12 printed by the park management, provided within any
13 rental agreement or lease drafted by the park
14 management, or provided in compliance with a park rule
15 or regulation.

16 (2) The management shall be responsible for
17 maintenance of all driveways within the mobilehome
18 park, including, but not limited to, asphalt and concrete
19 repair or replacement, paving, and sealing.



1 (3) *If, separate and apart from a rental agreement or*
2 *lease, or rules and regulations, an existing homeowner in*
3 *the park has entered into a written agreement with park*
4 *management, whereby the homeowner has requested*
5 *the right to plant a tree on a mobilehome space and*
6 *agreed to pay for the maintenance of the tree, that*
7 *homeowner shall be responsible for the cost of*
8 *maintenance pursuant to that written agreement.*

9 (b) The management shall pay for any costs of
10 maintenance required by this section, except that a
11 homeowner may be charged for the cost of any damage
12 to trees or driveways caused by an act or the neglect of
13 the homeowner.

14 (c) This section shall not apply during the term of any
15 existing rental agreement between the park
16 management and the homeowner that includes any
17 reference to the responsibility for the maintenance of
18 trees and driveways within the mobilehome park. Upon
19 any renewal or extension, the rental agreement shall
20 comply with this section.

21 (d) This section shall only apply to rental agreements
22 entered into, renewed, or extended on and after January
23 1, 2000.

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

26 SEC. 2. Section 798.26 of the Civil Code is amended
27 to read:

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



1 premises, and protection of the mobilehome park,
2 subdivision, cooperative, or condominium at any
3 reasonable time, but not in a manner or at a time which
4 would interfere with the resident's quiet enjoyment.

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

10 SEC. 3. Section 798.29.7 is added to the Civil Code, to
11 read:

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

