

AMENDED IN SENATE AUGUST 25, 2000

AMENDED IN SENATE APRIL 3, 2000

AMENDED IN SENATE MARCH 27, 2000

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**

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

February 24, 1999

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An act to amend Section 798.26 of, and to add Section 798.37.5 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

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

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. *Existing law, the Mobilehome Parks Act, which is enforced by the Department of Housing and Community Development or specified local agencies, provides for specified regulation of mobilehome parks.*

*This bill would require the management to be solely responsible for the trimming, pruning, or removal of any tree on a rental space, and the costs thereof, upon written notice by a homeowner or a determination by the park management that the tree poses a specific hazard or health and safety violation. In case of a dispute over that assertion, the bill would authorize the park management or a homeowner to request an inspection by the Department of Housing and Community Development or a specified local agency to make a determination whether a violation of the Mobilehome Park Act exists. The bill would require the park management to be solely responsible for the trimming, pruning, or removal of trees in the common areas and the costs thereof. The bill would also require the management to be responsible for the maintenance, repair, and expenses related to the maintenance costs of all ~~trees and driveways within the mobilehome installed by park management, except as specified,~~ would authorize the management to enter upon the land to perform that maintenance would provide that homeowners are responsible for the maintenance, repair, and expenses related to maintaining homeowner installed driveways, 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. ~~This~~*

*The bill would provide that any mobilehome park rule or regulation shall be in compliance with these provisions. These provisions would only apply to rental agreements entered into, renewed, or extended on or after January 1, 2001, as specified.*



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 798.26 of the Civil Code is  
2 amended to read:

3 798.26. (a) Except as provided in subdivision (b),  
4 and notwithstanding any other provision of law to the  
5 contrary, the ownership or management of a park,  
6 subdivision, cooperative, or condominium for  
7 mobilehomes shall have no right of entry to a  
8 mobilehome without the prior written consent of the  
9 resident. The consent may be revoked in writing by the  
10 resident at any time. The ownership or management shall  
11 have a right of entry upon the land upon which a  
12 mobilehome is situated for maintenance of utilities, trees,  
13 and driveways, for maintenance of the premises in  
14 accordance with the rules and regulations of the park  
15 when the homeowner or resident fails to so maintain the  
16 premises, and protection of the mobilehome park,  
17 subdivision, cooperative, or condominium at any  
18 reasonable time, but not in a manner or at a time which  
19 would interfere with the resident's quiet enjoyment.

20 (b) The ownership or management of a park,  
21 subdivision, cooperative, or condominium for  
22 mobilehomes may enter a mobilehome without the prior  
23 written consent of the resident in case of an emergency  
24 or when the resident has abandoned the mobilehome.

25 ~~SEC. 2. Section 798.37.5 is added to the Civil Code, to~~  
26 ~~read:~~

27 ~~798.37.5. (a) (1) The management shall be solely~~  
28 ~~responsible for the maintenance of all trees, and the costs~~  
29 ~~of that maintenance, within the mobilehome park,~~  
30 ~~including, but not limited to, repair of root damage to~~  
31 ~~driveways and foundation systems and removal, except~~  
32 ~~that a homeowner may be charged for the cost of any~~  
33 ~~damage to trees or driveways caused by an act of the~~  
34 ~~homeowner or the breach of the homeowner's~~



1 responsibilities under the rules and regulations that are  
2 not inconsistent with the provisions of this section.

3 (2) No resident may plant a tree within the  
4 mobilehome park without first obtaining written  
5 permission from the management.

6 (3) Upon receipt of a resident's voluntary written  
7 consent, management may allow a park resident to  
8 maintain the trees located within the resident's park  
9 space. Management may not condition tenancy on a  
10 homeowner's acceptance of financial responsibility for  
11 maintaining or removing trees. Any consent form  
12 provided by park management shall be in a writing  
13 separate and apart from the rental agreement, lease,  
14 rules, or regulations. The first sentence of the first  
15 paragraph of any consent form provided by management  
16 shall contain the following language, printed in at least  
17 12-point type.

18 NOTICE: HOMEOWNERS OR PROSPECTIVE  
19 HOMEOWNERS ARE NOT LEGALLY REQUIRED TO  
20 PAY FOR THE COSTS OF TREE MAINTENANCE OR  
21 REMOVAL. YOUR TENANCY CANNOT BE  
22 CONDITIONED UPON YOUR AGREEMENT TO PAY  
23 SUCH COSTS. YOU ARE NOT REQUIRED TO SIGN  
24 THIS FORM, AND ANY OBLIGATION WHICH YOU  
25 ACCEPT UNDER THE TERMS CONTAINED IN THIS  
26 FORM IS STRICTLY VOLUNTARY.

27 (b) The management shall be solely responsible for  
28 the maintenance of all driveways, and the costs of that  
29 maintenance, within the mobilehome park, including,  
30 but not limited to, asphalt and concrete repair or  
31 replacement, paving, and sealing.

32 (c) This section shall not apply to alter the terms of any  
33 rental agreement in effect on and before January 1, 2001,  
34 between the park management and the homeowner that  
35 includes any reference to the responsibility for the  
36 maintenance of trees and driveways within the  
37 mobilehome park. However, upon any renewal or  
38 extension, the rental agreement shall be subject to this  
39 section. This section is not intended to abrogate the  
40 content of any existing rental agreement or other written



1 ~~agreements regarding trees or driveways that are in~~  
2 ~~effect on and before January 1, 2001.~~

3 ~~(d) This section shall only apply to rental agreements~~  
4 ~~entered into, renewed, or extended on and after January~~  
5 ~~1, 2001.~~

6 ~~(e) Any mobilehome park, rule, or regulation shall be~~  
7 ~~in compliance with this section.~~

8 *SEC. 2. Section 798.37.5 is added to the Civil Code, to*  
9 *read:*

10 *798.37.5. (a) With respect to trees on rental spaces in*  
11 *a mobilehome park, park management shall be solely*  
12 *responsible for the trimming, pruning, or removal of any*  
13 *tree, and the costs thereof, upon written notice by a*  
14 *homeowner or a determination by park management*  
15 *that the tree poses a specific hazard or health and safety*  
16 *violation. In the case of a dispute over that assertion, the*  
17 *park management or a homeowner may request an*  
18 *inspection by the Department of Housing and*  
19 *Community Development or a local agency responsible*  
20 *for the enforcement of the Mobilehome Parks Act (Part*  
21 *2.1 (commencing with Section 18200) of Division 3 of the*  
22 *Health and Safety Code) in order to determine whether*  
23 *a violation of that act exists.*

24 *(b) With respect to trees in the common areas of a*  
25 *mobilehome park, park management shall be solely*  
26 *responsible for the trimming, pruning, or removal of any*  
27 *tree, and the costs thereof.*

28 *(c) Park management shall be solely responsible for*  
29 *the maintenance, repair, replacement, paving, sealing,*  
30 *and the expenses related to the maintenance of all*  
31 *driveways installed by park management including, but*  
32 *not limited to, repair of root damage to driveways and*  
33 *foundation systems and removal. Homeowners shall be*  
34 *responsible for the maintenance, repair, replacement,*  
35 *paving, sealing, and the expenses related to the*  
36 *maintenance of a homeowner installed driveway. A*  
37 *homeowner may be charged for the cost of any damage*  
38 *to the driveway caused by an act of the homeowner or a*  
39 *breach of the homeowner's responsibilities under the*



1 *rules and regulations so long as those rules and regulations*  
2 *are not inconsistent with the provisions of this section.*

3 *(d) No homeowner may plant a tree within the*  
4 *mobilehome park without first obtaining written*  
5 *permission from the management.*

6 *(e) This section shall not apply to alter the terms of any*  
7 *rental agreement in effect prior to January 1, 2001,*  
8 *between the park management and the homeowner*  
9 *regarding the responsibility for the maintenance of trees*  
10 *and driveways within the mobilehome park, except that*  
11 *upon any renewal or extension, the rental agreement*  
12 *shall be subject to this section. This section is not intended*  
13 *to abrogate the content of any existing rental agreement*  
14 *or other written agreements regarding trees or driveways*  
15 *that are in effect prior to January 1, 2001.*

16 *(f) This section shall only apply to rental agreements*  
17 *entered into, renewed, or extended on or after January 1,*  
18 *2001.*

19 *(g) Any mobilehome park rule or regulation shall be*  
20 *in compliance with this section.*

