

ASSEMBLY BILL

No. 1644

Introduced by Assembly Member Floyd

March 4, 1999

An act to amend Sections 798.23 and 798.56 of the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1644, as introduced, Floyd. Mobilehome parks.

Existing law, the Mobilehome Residency Law, provides that the owner of a mobilehome park and the employees thereof are bound by all park rules and regulations to the same extent as residents and their guests, but that this provision neither validates nor invalidates, and expresses no legislative policy regarding, rules and regulations prohibiting or restricting the subletting of a mobilehome park space.

This bill would delete the latter provision.

Existing law provides that a mobilehome park tenancy may be terminated by the management only for specified reasons, including a change of use, as defined, provided specified conditions are met.

This bill would provide that the management of a mobilehome park may not change the use of the mobilehome park for the purpose of compelling existing homeowners renting spaces within the park to move from the park or to sell mobilehomes to the park ownership or management, where the sole purpose thereof is for the management to rent mobilehomes, located on those mobilehome park spaces, to

others. The bill would also set forth the findings and declarations of the Legislature in this regard.

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 798.23 of the Civil Code is
2 amended to read:

3 798.23. (a) The owner of the park, and any person
4 employed by the park, shall be subject to, and comply
5 with, all park rules and regulations, to the same extent as
6 residents and their guests.

7 (b) This section shall not apply to either of the
8 following:

9 (1) Any rule or regulation that governs the age of any
10 resident or guest.

11 (2) Acts of a park owner or park employee which are
12 undertaken to fulfill a park owner’s maintenance,
13 management, and business operation responsibilities.

14 ~~(c) This section shall not affect in any way, either to
15 validate or invalidate, nor does this section express a
16 legislative policy judgment in favor of or against, the
17 enforcement of a park rule or regulation which prohibits
18 or restricts the subletting of a mobilehome park space by
19 a tenant.~~

20 SEC. 2. Section 798.56 of the Civil Code is amended
21 to read:

22 798.56. A tenancy shall be terminated by the
23 management only for one or more of the following
24 reasons:

25 (a) Failure of the homeowner or resident to comply
26 with a local ordinance or state law or regulation relating
27 to mobilehomes within a reasonable time after the
28 homeowner receives a notice of noncompliance from the
29 appropriate governmental agency.

30 (b) Conduct by the homeowner or resident, upon the
31 park premises, that constitutes a substantial annoyance to
32 other homeowners or residents.



1 (c) Conviction of the homeowner or resident for
2 prostitution or a felony controlled substance offense if the
3 act resulting in the conviction was committed anywhere
4 on the premises of the mobilehome park, including, but
5 not limited to, within the homeowner's mobilehome.

6 However the tenancy may not be terminated for the
7 reason specified in this subdivision if the person convicted
8 of the offense has permanently vacated, and does not
9 subsequently reoccupy, the mobilehome.

10 (d) Failure of the homeowner or resident to comply
11 with a reasonable rule or regulation of the park that is part
12 of the rental agreement or any amendment thereto.

13 No act or omission of the homeowner or resident shall
14 constitute a failure to comply with a reasonable rule or
15 regulation unless and until the management has given
16 the homeowner written notice of the alleged rule or
17 regulation violation and the homeowner or resident has
18 failed to adhere to the rule or regulation within seven
19 days. However, if a homeowner has been given a written
20 notice of an alleged violation of the same rule or
21 regulation on three or more occasions within a 12-month
22 period after the homeowner or resident has violated that
23 rule or regulation, no written notice shall be required for
24 a subsequent violation of the same rule or regulation.

25 Nothing in this subdivision shall relieve the
26 management from its obligation to demonstrate that a
27 rule or regulation has in fact been violated.

28 (e) (1) Nonpayment of rent, utility charges, or
29 reasonable incidental service charges; provided that the
30 amount due has been unpaid for a period of at least five
31 days from its due date, and provided that the homeowner
32 shall be given a three-day written notice subsequent to
33 that five-day period to pay the amount due or to vacate
34 the tenancy. For purposes of this subdivision, the five-day
35 period does not include the date the payment is due. The
36 three-day written notice shall be given to the homeowner
37 in the manner prescribed by Section 1162 of the Code of
38 Civil Procedure. A copy of this notice shall be sent to the
39 persons or entities specified in subdivision (b) of Section
40 798.55 within 10 days after notice is delivered to the



1 homeowner. If the homeowner cures the default, the
2 notice need not be sent. The notice may be given at the
3 same time as the 60 days' notice required for termination
4 of the tenancy.

5 (2) Payment by the homeowner prior to the
6 expiration of the three-day notice period shall cure a
7 default under this subdivision. If the homeowner does not
8 pay prior to the expiration of the three-day notice period,
9 the homeowner shall remain liable for all payments due
10 up until the time the tenancy is vacated.

11 (3) Payment by the legal owner, as defined in Section
12 18005.8 of the Health and Safety Code, any junior
13 lienholder, as defined in Section 18005.3 of the Health and
14 Safety Code, or the registered owner, as defined in
15 Section 18009.5 of the Health and Safety Code, if other
16 than the homeowner, on behalf of the homeowner prior
17 to the expiration of 30 calendar days following the mailing
18 of the notice to the legal owner, each junior lienholder,
19 and the registered owner provided in subdivision (b) of
20 Section 798.55, shall cure a default under this subdivision
21 with respect to that payment.

22 (4) Cure of a default of rent, utility charges, or
23 reasonable incidental service charges by the legal owner,
24 any junior lienholder, or the registered owner, if other
25 than the homeowner, as provided by this subdivision,
26 may not be exercised more than twice during a 12-month
27 period.

28 (5) If a homeowner has been given a three-day notice
29 to pay the amount due or to vacate the tenancy on three
30 or more occasions within the preceding 12-month period,
31 no written three-day notice shall be required in the case
32 of a subsequent nonpayment of rent, utility charges, or
33 reasonable incidental service charges.

34 In that event, the management shall give written
35 notice to the homeowner in the manner prescribed by
36 Section 1162 of the Code of Civil Procedure to remove the
37 mobilehome from the park within a period of not less than
38 60 days, which period shall be specified in the notice. A
39 copy of this notice shall be sent to the legal owner, each
40 junior lienholder, and the registered owner of the



1 mobilehome, if other than the homeowner, as specified
2 in paragraph (b) of Section 798.55, by certified or
3 registered mail return receipt requested within 10 days
4 after notice is sent to the homeowner.

5 (6) When a copy of the 60 days' notice described in
6 paragraph (5) is sent to the legal owner, each junior
7 lienholder, and the registered owner of the mobilehome,
8 if other than the homeowner, the default may be cured
9 by any of them on behalf of the homeowner prior to the
10 expiration of 30 calendar days following the mailing of the
11 notice, if all of the following conditions exist:

12 (A) A copy of a three-day notice sent pursuant to
13 subdivision (b) of Section 798.55 to a homeowner for the
14 nonpayment of rent, utility charges, or reasonable
15 incidental service charges was not sent to the legal owner,
16 junior lienholder, or registered owner, of the
17 mobilehome, if other than the homeowner, during the
18 preceding 12-month period.

19 (B) The legal owner, junior lienholder, or registered
20 owner of the mobilehome, if other than the homeowner,
21 has not previously cured a default of the homeowner
22 during the preceding 12-month period.

23 (C) The legal owner, junior lienholder or registered
24 owner, if other than the homeowner, is not a financial
25 institution or mobilehome dealer.

26 If the default is cured by the legal owner, junior
27 lienholder, or registered owner within the 30-day period,
28 the notice to remove the mobilehome from the park
29 described in paragraph (5) shall be rescinded.

30 (f) Condemnation of the park.

31 (g) Change of use of the park or any portion thereof,
32 provided:

33 (1) The management gives the homeowners at least 15
34 days' written notice that the management will be
35 appearing before a local governmental board,
36 commission, or body to request permits for a change of
37 use of the mobilehome park.

38 (2) After all required permits requesting a change of
39 use have been approved by the local governmental
40 board, commission, or body, the management shall give



1 the homeowners six months' or more written notice of
2 termination of tenancy.

3 (3) If the change of use requires no local governmental
4 permits, then notice shall be given 12 months or more
5 prior to the management's determination that a change
6 of use will occur. The management in the notice shall
7 disclose and describe in detail the nature of the change of
8 use.

9 ~~(3)~~

10 (4) The management gives each proposed
11 homeowner written notice thereof prior to the inception
12 of his or her tenancy that the management is requesting
13 a change of use before local governmental bodies or that
14 a change of use request has been granted.

15 ~~(4)~~

16 (5) The notice requirements for termination of
17 tenancy set forth in Sections 798.56 and 798.57 shall be
18 followed if the proposed change actually occurs.

19 ~~(5)~~

20 (6) A notice of a proposed change of use given prior to
21 January 1, 1980, that conforms to the requirements in
22 effect at that time shall be valid. The requirements for a
23 notice of a proposed change of use imposed by this
24 subdivision shall be governed by the law in effect at the
25 time the notice was given.

26 (7) *However, the ownership or management may not*
27 *change the use of the mobilehome park for the purpose*
28 *of compelling existing homeowners renting spaces within*
29 *the park to move from the park or to sell mobilehomes to*
30 *the park ownership or management, where the sole*
31 *purpose thereof is for the ownership or management to*
32 *rent mobilehomes, located on those mobilehome park*
33 *spaces, to others. In this regard, the Legislature finds and*
34 *declares that the owners of mobilehomes occupied within*
35 *mobilehome parks are entitled to unique protection from*
36 *actual or constructive eviction, including that which*
37 *could result from the purported change of use of a*
38 *mobilehome park by a park owner who intends to*
39 *continue operating the mobilehome park as a*
40 *landlord-tenant rental facility, by renting out*



1 *mobilehomes acquired from park residents after notice of*
2 *the proposed change of use or closure, and which*
3 *mobilehomes occupy the spaces previously rented by*
4 *park residents.*

5 (h) The report required pursuant to subdivisions (b)
6 and (i) of Section 65863.7 of the Government Code shall
7 be given to the homeowners or residents at the same time
8 that notice is required pursuant to subdivision (g) of this
9 section.

10 (i) For purposes of this section, “financial institution”
11 means a state or national bank, state or federal savings
12 and loan association or credit union, or similar
13 organization, and mobilehome dealer as defined in
14 Section 18002.6 of the Health and Safety Code or any
15 other organization that, as part of its usual course of
16 business, originates, owns, or provides loan servicing for
17 loans secured by a mobilehome.

