

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 23

Introduced by Senator Padilla

December 1, 2008

~~An act to add Section 18029.7 to the Health and Safety Code, relating~~
An act to amend Sections 18603 and 18871.8 of the Health and Safety Code, relating to manufactured housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 23, as amended, Padilla. Manufactured housing: ~~emergency and fire safety plan.~~ *emergency preparedness plans.*

(1) Existing law, the Mobilehome Parks Act, requires the Department of Housing and Community Development to enact and enforce rules and regulations to protect public health and safety in mobilehome parks. The act authorizes park management to adopt an emergency preparedness plan that includes specified procedures and plans. Under the act, a knowing violation of the act is punishable as a misdemeanor offense.

The Special Occupancy and Parks Act requires the department to adopt regulations to govern the use and occupancy of manufactured homes, mobilehomes, and recreational vehicles located in special occupancy parks. Under the act, a knowing violation of the act is punishable as a misdemeanor offense and any person who willfully violates the act is liable for a civil penalty.

This bill would amend both the Mobilehome Parks Act and the Special Occupancy and Parks Act to require an owner or operator of a park or a special occupancy park to adopt an emergency preparedness plan on or after September 1, 2010. The bill would require park management to post the plan, as specified, and to provide information relating to

accessing individual emergency preparedness information. The bill would require an enforcement agency to determine park compliance with these provisions if certain conditions have been met. The bill would provide that a violation of this section constitutes an unreasonable risk to life, health, or safety and would require correction by park management within 60 days of notice of the violation.

~~(1) The Mobilehomes-Manufactured Housing Act of 1980 authorizes the Department of Housing and Community Development to adopt rules and regulations governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes and mobilehomes. Under existing law, a knowing violation of the act is punishable as a misdemeanor offense.~~

~~This bill would require, on or after January 1, 2010, an operator of a mobilehome park or manufactured housing community to develop and implement an emergency and fire safety plan and appropriate emergency services training for park or community managers and onsite staff. The bill would require the operator to distribute and post the plan in a conspicuous area accessible to all residents. The bill would specify that these provisions do not prohibit a city, county, or city and county from enacting an ordinance or policy to adopt more stringent standards to ensure fire prevention and public safety.~~

~~By creating a new crime or expanding an existing crime, this bill would impose a state-mandated local program.~~

~~(2) 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.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.~~

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

1 SECTION 1. *It is the intent of the Legislature that an owner*
 2 *or operator of a mobilehome park or manufactured home*
 3 *community communicate to residents essential evacuation routes*
 4 *and basic emergency preparedness information in a manner*
 5 *appropriate to the community. It is not the intent of the Legislature*
 6 *that an owner or operator be responsible for physically evacuating*
 7 *residents from their homes during an emergency. It is further the*

1 *intent that residents take personal responsibility for themselves*
2 *during an emergency.*

3 *SEC. 2. Section 18603 of the Health and Safety Code is*
4 *amended to read:*

5 18603. (a) In every park, there shall be a person available by
6 telephonic or like means, including telephones, cellular phones,
7 telephone answering machines, answering services or pagers, or
8 in person who shall be responsible for, and who shall reasonably
9 respond in a timely manner to emergencies concerning, the
10 operation and maintenance of the park. In every park with 50 or
11 more units, that person or his or her designee shall reside in the
12 park ~~and shall~~, have knowledge of emergency procedures relative
13 to utility systems and common facilities under the ownership and
14 control of the owner of the park, *and shall be familiar with the*
15 *emergency preparedness plans for the park.*

16 (b) ~~In every park, park management may~~ *On or after September*
17 *1, 2010, an owner or operator of a park shall* adopt an emergency
18 preparedness plan which shall include, but not be limited to,
19 procedures and plans approved by the Standardized Emergency
20 Management System Advisory Board on November 21, 1997,
21 entitled "Emergency Plans for Mobilehome Parks," and compiled
22 by the Office of Emergency Services in compliance with
23 Governor's Executive Order W-156-97, *or any subsequent version.*
24 *This section shall not preclude the owner or operator from*
25 *adapting an existing emergency preparedness plan to ensure that*
26 *it is appropriate for the community.*

27 (c) *Park management shall do all of the following:*

28 (1) *Post the emergency preparedness plan in the park clubhouse*
29 *or in another conspicuous area within the mobilehome park.*

30 (2) *Provide to each resident instructions on how to access and*
31 *review the plan.*

32 (3) *On or after September 1, 2010, provide notice of the plan's*
33 *accessibility and information on accessing individual emergency*
34 *preparedness information from the appropriate state or local*
35 *agencies, including, but not limited to, the California Emergency*
36 *Management Agency, to all existing residents and, upon approval*
37 *of tenancy, for all new residents thereafter. This may be*
38 *accomplished in a manner that includes, but is not limited to,*
39 *distribution of materials and posting the plan or information on*
40 *how to access the plan via the Internet.*

1 (d) An enforcement agency shall determine whether park
2 management is in compliance with this section. The agency may
3 ascertain compliance by receipt of a copy of the plan, a photograph
4 of the posted plan, during site inspections conducted in response
5 to complaints of alleged violations, or for any other reason.

6 (e) Notwithstanding any other provision of this part, a violation
7 of this section shall constitute an unreasonable risk to life, health,
8 or safety and shall be corrected by park management within 60
9 days of notice of the violation.

10 SEC. 3. Section 18871.8 of the Health and Safety Code is
11 amended to read:

12 18871.8. (a) In every park, there shall be a person available
13 to receive by telephonic or like means, including telephones,
14 cellular telephones, telephone answering machines, answering
15 services or pagers, or in person who shall be responsible for, and
16 who shall reasonably respond in a timely manner to emergencies
17 concerning the operation and maintenance of the park. In every
18 park with 50 or more units, that person or his or her designee shall
19 reside in the park and shall have knowledge of emergency
20 procedures relative to utility systems and common facilities under
21 the ownership and control of the owner of the park and be familiar
22 with the emergency preparedness plans for the park.

23 (b) On or after September 1, 2010, an owner or operator of a
24 park shall adopt an emergency preparedness plan which shall
25 include, but not be limited to, procedures and plans approved by
26 the Standardized Emergency Management System Advisory Board
27 on November 21, 1997, entitled "Emergency Plans for Mobilehome
28 Parks," and compiled by the Office of Emergency Services in
29 compliance with Governor's Executive Order W-156-97, or any
30 subsequent version. This section shall not preclude the owner or
31 operator from adapting an existing emergency preparedness plan
32 to ensure that it is appropriate for the community.

33 (c) Park management shall do all of the following:

34 (1) Post the emergency preparedness plan in the park clubhouse
35 or in another conspicuous area within the mobilehome park.

36 (2) Provide to each resident instructions on how to access and
37 review the plan.

38 (3) On or after September 1, 2010, provide notice of the plan's
39 accessibility and information on accessing individual emergency
40 preparedness information from the appropriate state or local

1 agencies, including, but not limited to, the California Emergency
2 Management Agency, to all existing residents and, upon approval
3 of tenancy, for all new residents thereafter. This may be
4 accomplished in a manner that includes, but is not limited to,
5 distribution of materials and posting the plan or information on
6 how to access the plan via the Internet.

7 (d) An enforcement agency shall determine whether park
8 management is in compliance with this section. The agency may
9 ascertain compliance by receipt of a copy of the plan, a photograph
10 of the posted plan, during site inspections conducted in response
11 to complaints of alleged violations, or for any other reason.

12 (e) Notwithstanding any other provision of this part, a violation
13 of this section shall constitute an unreasonable risk to life, health,
14 or safety and shall be corrected by park management within 60
15 days of notice of the violation.

16 SECTION 1. ~~Section 18029.7 is added to the Health and Safety~~
17 ~~Code, to read:~~

18 ~~18029.7. (a) On or after January 1, 2010, an operator of a~~
19 ~~mobilehome park or manufactured housing community shall~~
20 ~~develop and implement an emergency and fire safety plan and~~
21 ~~appropriate emergency services training for park or community~~
22 ~~managers and onsite staff. The plan shall include procedures for~~
23 ~~identifying and assisting residents with disabilities and other health~~
24 ~~problems.~~

25 ~~(b) The plan required by subdivision (a) shall be designed in~~
26 ~~accordance with requirements determined by the State Fire Marshal~~
27 ~~and the Office of Emergency Services.~~

28 ~~(c) Each operator shall post the plan in a conspicuous area~~
29 ~~accessible to all residents and distribute a copy of the plan to each~~
30 ~~resident upon approval of tenancy and annually thereafter.~~

31 ~~(d) Nothing in this section shall prohibit a city, county, or city~~
32 ~~and county from enacting an ordinance, regulation, or policy to~~
33 ~~adopt more stringent standards to ensure fire prevention and public~~
34 ~~safety.~~

35 ~~SEC. 2.~~

36 SEC. 4. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.