

AMENDED IN ASSEMBLY JULY 9, 2009

AMENDED IN ASSEMBLY JUNE 29, 2009

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 30, 2009

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 23

Introduced by Senator Padilla

December 1, 2008

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 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 an existing park or a special occupancy park to adopt an emergency preparedness plan on or before September 1, 2010. The bill would require an owner or operator of a park to post notice of 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.

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
8 intent that residents take personal responsibility for themselves
9 during an emergency.

10 SEC. 2. Section 18603 of the Health and Safety Code is
11 amended to read:

12 18603. (a) In every park there shall be a person available by
13 telephonic or like means, including telephones, cellular phones,
14 telephone answering machines, answering services or pagers, or
15 in person who shall be responsible for, and who shall reasonably
16 respond in a timely manner to emergencies concerning, the

1 operation and maintenance of the park. In every park with 50 or
2 more units, that person or his or her designee shall reside in the
3 park, have knowledge of emergency procedures relative to utility
4 systems and common facilities under the ownership and control
5 of the owner of the park, and shall be familiar with the emergency
6 preparedness plans for the park.

7 (b) (1) On or before September 1, 2010, an owner or operator
8 of an existing park shall adopt an emergency preparedness plan.

9 (2) For a park constructed after September 1, 2010, an owner
10 or operator of a park shall adopt a plan in accordance with this
11 section prior to the issuance of the permit to operate.

12 (3) An owner or operator may comply with paragraph (1) by
13 either of the following methods:

14 (A) Adopting the emergency procedures and plans approved
15 by the Standardized Emergency Management System Advisory
16 Board on November 21, 1997, entitled "Emergency Plans for
17 Mobilehome Parks," and compiled by the former Office of
18 Emergency Services in compliance with the Governor's Executive
19 Order W-156-97, or any subsequent version.

20 (B) Adopting a plan that is developed by the park management
21 and is comparable to the procedures and plans specified in
22 subparagraph (A).

23 (c) For an existing park, and in the case of a park constructed
24 after September 10, 2010, prior to the issuance of the permit to
25 operate, an owner or operator of a park shall do both of the
26 following:

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

30 (2) On or before September 10, 2010, provide notice of how to
31 access the plan and information on individual emergency
32 preparedness information from the appropriate state or local
33 agencies, including, but not limited to, the California Emergency
34 Management Agency, to all existing residents and, upon approval
35 of tenancy, for all new residents thereafter. This may be
36 accomplished in a manner that includes, but is not limited to,
37 distribution of materials and posting notice of the plan or
38 information on how to access the plan via the Internet.

39 (d) An enforcement agency shall determine whether park
40 management is in compliance with this section. The agency may

1 ascertain compliance by receipt of a copy of the plan, a photograph
2 of the posted plan, during site inspections conducted in response
3 to complaints of alleged violations, or for any other reason.

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

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

10 18871.8. (a) In every park there shall be a person available to
11 receive by telephonic or like means, including telephones, cellular
12 telephones, telephone answering machines, answering services or
13 pagers, or in person who shall be responsible for, and who shall
14 reasonably respond in a timely manner to emergencies concerning
15 the operation and maintenance of the park. In every park with 50
16 or more units, that person or his or her designee shall reside in the
17 park and shall have knowledge of emergency procedures relative
18 to utility systems and common facilities under the ownership and
19 control of the owner of the park and be familiar with the emergency
20 preparedness plans for the park.

21 (b) (1) On or before September 1, 2010, an owner or operator
22 of an existing park shall adopt an emergency preparedness plan.

23 (2) For a park constructed after September 1, 2010, an owner
24 or operator of a park shall adopt a plan in accordance with this
25 section prior to the issuance of the permit to operate.

26 (3) An owner or operator may comply with paragraph (1) by
27 either of the following methods:

28 (A) Adopting the emergency procedures and plans approved
29 by the Standardized Emergency Management System Advisory
30 Board on November 21, 1997, entitled "Emergency Plans for
31 Mobilehome Parks," and compiled by the former Office of
32 Emergency Services in compliance with the Governor's Executive
33 Order W-156-97, or any subsequent version.

34 (B) Adopting a plan that is developed by the park management
35 and is comparable to the procedures and plans specified in
36 subparagraph (A).

37 (c) For an existing park, and in the case of a park constructed
38 after September 10, 2010, prior to the issuance of the permit to
39 operate, an owner or operator of a park shall do both of the
40 following:

1 (1) Post notice of the emergency preparedness plan in the park
2 clubhouse or in another conspicuous area within the mobilehome
3 park.

4 (2) On or before September 10, 2010, provide notice of how
5 to access the plan and information on individual emergency
6 preparedness information from the appropriate state or local
7 agencies, including, but not limited to, the California Emergency
8 Management Agency, to all existing residents and, upon approval
9 of tenancy, for all new residents thereafter. This may be
10 accomplished in a manner that includes, but is not limited to,
11 distribution of materials and posting notice of the plan or
12 information on how to access the plan via the Internet.

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

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

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.