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HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 2.2. Mobilehome Residency Law Protection Program [18800 - 18806] (*Part 2.2 added by Stats. 2018, Ch. 774, Sec. 3.*)

18800. (a) This part shall be known, and may be cited, as the Mobilehome Residency Law Protection Act.

(b) It is the intent of the Legislature in enacting this part to protect and safeguard the most vulnerable mobilehome homeowners by affording them an additional avenue to enforce violations of the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(*Added by Stats. 2018, Ch. 774, Sec. 3. (AB 3066) Effective January 1, 2019. Repealed as of January 1, 2027, pursuant to Section 18806.*)

18801. As used in this part, and for the sole purpose of investigation or pursuit of conciliation or remedy arising from a complaint alleging a violation of the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the following definitions shall apply:

(a) "Department" means the Department of Housing and Community Development.

(b) "Homeowner" has the same meaning as specified in Section 798.9 of the Civil Code.

(c) "Management" has the same meaning as specified in Section 798.2 of the Civil Code.

(d) "Mobilehome" has the same meaning as specified in Section 798.3 of the Civil Code.

(e) "Mobilehome park" has the same meaning as specified in Section 798.4 of the Civil Code.

(f) "Mobilehome Residency Law" means the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(g) "Program" means the Mobilehome Residency Law Protection Program established pursuant to this part.

(h) "Rental agreement" has the same meaning as specified in Section 798.8 of the Civil Code.

(*Added by Stats. 2018, Ch. 774, Sec. 3. (AB 3066) Effective January 1, 2019. Repealed as of January 1, 2027, pursuant to Section 18806.*)

18802. (a) The Mobilehome Residency Law Protection Program is hereby established within the department.

(b) Except as provided in subdivision (c), the department shall provide assistance in taking complaints, and helping to resolve and coordinate the resolution of those complaints, from homeowners relating to the Mobilehome Residency Law.

(c) The department shall not arbitrate, mediate, negotiate, or provide legal advice in connection with mobilehome park rent disputes, lease or rental agreements, or disputes arising from lease or rental agreements, but may provide information on these issues to the complaining party, management, or other responsible party.

(d) (1) The department shall refer any alleged violations of law or regulations within the department's jurisdiction to the Division of Codes and Standards within the department.

(2) The department may refer any alleged violations of law or regulations that are not within the jurisdiction of the department, including, but not limited to, rent disputes, criminal activity, or alleged discrimination, to the appropriate enforcement agency.

(e) (1) Upon receipt of a complaint, the department shall send the complaining party a letter confirming receipt and referencing those provisions of the Mobilehome Residency Law, if applicable, that may pertain to the complaint. If the department refers the complaint to an appropriate enforcement agency, pursuant to paragraph (2) of subdivision (d), the letter shall communicate that referral.

(2) A letter issued pursuant to this subdivision shall be in the same medium as the complaint to which the letter is in response.

(f) In evaluating a complaint, the department may request a copy of the lease, park rules, or any other relevant written documents applicable to a complaint from management. Management shall provide the information requested pursuant to this paragraph within 15 business days from the postmark date or the electronic transmission of the request. The department shall establish a mechanism for management to provide the documents electronically. Failure to comply with this requirement shall result in a noncompliance citation of two hundred fifty dollars (\$250) for each failure to comply. The department shall not provide the documents it receives pursuant to this paragraph to any person or entity other than the nonprofit legal services provider, an appropriate enforcement agency, or the complainant.

(g) If the department selects a complaint for referral to and evaluation by a nonprofit legal services provider pursuant to Section 18803, it shall send a notice to the complaining party and the management or mobilehome park owner.

(h) The department may aggregate multiple complaints submitted to the program into a single investigation. Multiple complaints may be aggregated within a single mobilehome park, or within multiple mobilehome parks where there is either:

(1) A common mobilehome park owner or mobilehome park owner entity, or common principals, partners, shareholders, members, or legal ownership amongst the multiple mobilehome parks.

(2) A common third-party or off-site management entity which manages the multiple mobilehome parks.

(i) Participation in the administrative procedures authorized by this part shall not be deemed to be grounds to authorize a delay in the prosecution of an unlawful detainer action. However, this section shall not be construed as preventing a court from exercising any power to delay based upon any other grounds.

(j) This section shall become operative on July 1, 2020.

(k) (1) The department may adopt regulations as necessary or appropriate to implement this section.

(2) Until January 1, 2027, the adoption and readoption of regulations to implement this section shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement that it describe facts showing the need for immediate action.

(3) Before submitting an emergency regulation to the office the department shall solicit and consider stakeholder comments in the design and implementation of the program in at least one 30-day public comment period. The department shall provide responses in writing to substantive written comments received during the comment period.

(Amended by Stats. 2023, Ch. 736, Sec. 1. (AB 318) Effective January 1, 2024. Repealed as of January 1, 2027, pursuant to Section 18806.)

18803. (a) In administering the program, the department shall contract with one or more qualified and experienced nonprofit legal services providers and refer complaints selected for evaluation pursuant to subdivision (f) of Section 18802, and which are not resolved pursuant to subdivision (g) of Section 18802, to those nonprofit legal services providers for possible enforcement action.

(b) The department shall only contract with a nonprofit legal services provider that meets all of the following requirements:

(1) The nonprofit legal services provider has experience in handling complaints, disputes, or matters arising from the provisions of the Mobilehome Residency Law or matters related to general landlord-tenant law.

(2) The nonprofit legal services provider has experience in representing individuals in dispute resolution processes, state court proceedings, and appeals.

(3) The nonprofit legal services provider has sufficient staff and financial ability to provide for legal services to homeowners.

(c) A nonprofit legal services provider contracted with pursuant to this section shall maintain adequate legal malpractice insurance and shall agree to indemnify and hold harmless the state from any claims arising from the legal services provided pursuant to this part.

(d) (1) A nonprofit legal services provider contracted with pursuant to this section shall have the sole authority to determine which referred complaints will be addressed or pursued, based on the resources provided to it pursuant to the contract with the department.

(2) The nonprofit legal services provider shall inform the department of any complaints not handled due to a shortage of resources.

(e) A nonprofit legal services provider contracted with pursuant to this section shall not charge any fees to a homeowner for any services performed in connection with a complaint referred to it by the department.

(f) This section shall become operative on July 1, 2020.

(Added by Stats. 2018, Ch. 774, Sec. 3. (AB 3066) Effective January 1, 2019. Section operative July 1, 2020, by its own provisions. Repealed as of January 1, 2027, pursuant to Section 18806.)

18804. (a) There is hereby established in the State Treasury the Mobilehome Dispute Resolution Fund. The fund shall receive all moneys derived pursuant to this part. Moneys in the fund shall be available, upon appropriation by the Legislature, for purposes of implementing this part.

(b) (1) Beginning January 1, 2019, and each subsequent year thereafter, the department shall assess upon, and collect from, the management of a mobilehome park subject to the Mobilehome Residency Law an annual registration fee of ten dollars (\$10) for each permitted mobilehome lot within the mobilehome park. The department shall collect the registration fee at the same time as the annual operating permit fee imposed under the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)).

(2) The Legislature finds and declares that the purpose of the fee imposed by this section is to cover the costs of the department incident to the investigation of mobilehome parks for purposes of enforcing the Mobilehome Residency Law.

(c) Notwithstanding any other law or local ordinance, rule, regulation, or initiative measure to the contrary, within 90 days from payment of the registration fee to the department, management may pass on all or a portion of the amount of the annual registration fee assessed under this section to the homeowners within the mobilehome park and may collect the amount or portion thereof from the homeowner with the rent payment and other charges due, except that management shall not aggregate or include the fee in the rent nor shall the amount exceed ten dollars (\$10) per mobilehome space annually. The annual registration fee shall appear as a separate line item in the bill and shall be accompanied by a clear written description of the purpose of the charge to homeowners, along with contact information for the department.

(Added by Stats. 2018, Ch. 774, Sec. 3. (AB 3066) Effective January 1, 2019. Repealed as of January 1, 2027, pursuant to Section 18806.)

18805. (a) The department shall include all of the following information in the annual report submitted pursuant to Section 50408:

(1) The amount of registration fees collected pursuant to Section 18804 and the amount expended on the program.

(2) The total number of complaint allegations received, the total number of complaint allegations processed, and the total number of complaint allegations referred to another enforcement agency or to a nonprofit legal services provider.

(3) The type of complaint allegations received.

(4) To the extent possible, the outcome of each complaint received by the program.

(5) Activities completed by a nonprofit legal services provider contracted with pursuant to the program.

(6) The most common complaint allegations.

(7) Recommendations for any statutory or administrative changes to the program.

(b) The department shall additionally report the information required pursuant to paragraphs (1) to (3), inclusive, of subdivision (a) to the task force convened pursuant to Section 18400.3.

(Amended by Stats. 2023, Ch. 736, Sec. 2. (AB 318) Effective January 1, 2024. Repealed as of January 1, 2027, pursuant to Section 18806.)

18806. This part shall remain in effect only until January 1, 2027, and as of that date is repealed.

(Amended by Stats. 2023, Ch. 736, Sec. 3. (AB 318) Effective January 1, 2024. Repealed as of January 1, 2027, by its own provisions. Note: Repeal affects Part 2.2, commencing with Section 18800.)