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SB-147 Mobilehome parks: residency. (2017-2018)

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Senate Bill No. 147

CHAPTER 767

An act to amend Sections 798.34 and 799.9 of the Civil Code, relating to mobilehome parks.

[Approved by Governor October 13, 2017. Filed with Secretary of State October 13, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 147, Dodd. Mobilehome parks: residency.

The Mobilehome Residency Law governs residency in mobilehome parks and includes provisions that are applicable to those who have an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, as specified. Among other things, these provisions set forth the rights of residents and homeowners regarding the use of the property. Existing law authorizes a homeowner who lives alone to share his or her mobilehome with one guest at a time whose stay does not exceed specified time limits without being required to register with the management and without the imposition of a fee by management for that person, and requires that person to comply with the rules and regulations of the mobilehome park.

This bill would authorize any homeowner who lives alone to designate one other person per calendar year to share his or her mobilehome on an ongoing basis, except as specified, and would prohibit the imposition of a fee by management for that person.

Existing law authorizes a homeowner to share the mobilehome with a person over 18 years of age if that person provides live-in health care or live-in supportive care to the homeowner pursuant to a written treatment plan prepared by the homeowner's physician. Existing law also authorizes a senior homeowner in an age limited mobilehome park to share the mobilehome with specified persons if the senior homeowner requires live-in health care, live-in supportive care, or supervision pursuant to a written treatment plan prepared by a physician and surgeon. A person staying in the mobilehome of a homeowner under these provisions has no rights of tenancy in the mobilehome park and is required to comply with the rules and regulations of the park.

This bill would permit park management to require written confirmation from a licensed health care professional of the homeowner's need for the care or supervision, if the need is not readily apparent or already known to management.

The bill would provide that these provisions do not grant any guest, companion, live-in caregiver, or family member under the care of a senior homeowner, rights of tenancy in the park and would make any violation of the rules and regulations of the park by any of these persons subject to enforcement by park management, as specified. The bill would also provide that these provisions do not create a duty on the part of park management to manage, supervise, or provide care for a homeowner's guest, companion, live-in caregiver, or family member under the care of a senior homeowner, during that person's stay in the mobilehome park.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 798.34 of the Civil Code is amended to read:

798.34. (a) A homeowner shall not be charged a fee for a guest who does not stay with him or her for more than a total of 20 consecutive days or a total of 30 days in a calendar year. A person who is a guest, as described in this subdivision, shall not be required to register with the management.

(b) A homeowner who is living alone in the mobilehome and who wishes to share occupancy of his or her mobilehome with one other person may do so, and a fee shall not be imposed by management for that person. For purposes of this subdivision, a homeowner may only designate one person as his or her companion per calendar year, except in the case of the companion's death. Park management may refuse to allow a homeowner to share his or her mobilehome with a companion under this subdivision if park residency is subject to age restrictions and the proposed companion is unable or unwilling to provide documentation that the proposed companion meets those age restrictions.

(c) A homeowner may share his or her mobilehome with any person over 18 years of age if that person is providing live-in health care, live-in supportive care, or supervision to the homeowner. Management shall not charge a fee for the live-in caregiver but may require written confirmation from a licensed health care professional of the homeowner's need for the care or supervision, if the need is not readily apparent or already known to management.

(d) A senior homeowner who resides in a mobilehome park that has implemented rules or regulations limiting residency based on age requirements for housing for older persons, pursuant to Section 798.76, may share his or her mobilehome with any person over 18 years of age if this person is a parent, sibling, child, or grandchild of the senior homeowner and requires live-in health care, live-in supportive care, or supervision. Management shall not charge a fee for this parent, sibling, child, or grandchild, but may require written confirmation from a licensed health care professional of the need for the care or supervision, if the need is not readily apparent or already known to management. As used in this section, "senior homeowner" means a homeowner who is 55 years of age or older.

(e) A guest, companion, live-in caregiver, or family member under the care of a senior homeowner, as they are described in this section, shall have no rights of tenancy in the park, and any agreement between the homeowner and the guest, companion, live-in caregiver, or family member under the care of a senior homeowner shall not change the terms and conditions of the rental agreement between management and the homeowner.

(f) A violation of the mobilehome park rules and regulations by a guest, companion, live-in caregiver, or family member under the care of a senior homeowner, as they are described in this section, shall be deemed a violation of the rules and regulations by the homeowner and subject to subdivision (d) of Section 798.56.

(g) Nothing in this section shall be interpreted to create a duty on the part of park management to manage, supervise, or provide care for a homeowner's guest, companion, live-in caregiver, or family member under the care of a senior homeowner, during that person's stay in the mobilehome park.

SEC. 2. Section 799.9 of the Civil Code is amended to read:

799.9. (a) A homeowner may share his or her mobilehome with any person 18 years of age or older if that person is providing live-in health care, live-in supportive care, or supervision to the homeowner. Management shall not charge a fee for the live-in caregiver, but may require written confirmation from a licensed health care professional of the need for the care or supervision, if the need is not readily apparent or already known to management. That person shall have no rights of tenancy in, and shall comply with the rules and regulations of, the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park.

(b) A senior homeowner who resides in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, that has implemented rules or regulations limiting residency based on age requirements for housing for older persons, pursuant to Section 799.5, may share his or her mobilehome with any person 18 years of age or older if this person is a parent, sibling, child, or grandchild of the senior homeowner and requires live-in health care, live-in supportive care, or supervision. Management shall not charge a fee for this parent, sibling, child, or grandchild, but may require written confirmation from a licensed health care professional of the need for the care or supervision, if the need is not readily apparent or already known to management. Unless otherwise agreed upon, the management shall not be required to manage, supervise, or provide for this person's care during his or her stay in the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park. That person shall have no rights of tenancy in, and shall comply with the rules and regulations of, the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park. As used in this subdivision, "senior homeowner" means a homeowner or resident who is 55 years of age or older.