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AB-338 Manufactured housing: smoke alarms: emergency preparedness. (2019-2020)

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Assembly Bill No. 338

CHAPTER 299

An act to amend Sections 18029.6 and 18603 of, and to add Section 18603.1 to, the Health and Safety Code, relating to manufactured housing.

[Approved by Governor September 20, 2019. Filed with Secretary of State September 20, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 338, Chu. Manufactured housing: smoke alarms: emergency preparedness.

Existing law, the Manufactured Housing Act of 1980, requires the Department of Housing and Community Development (department) to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, special purpose commercial coach, or commercial coach. Under existing law, a knowing violation of the act is punishable as a misdemeanor offense, as specified. The act, on or after January 1, 2009, requires all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold to have a smoke alarm that meets certain requirements installed in each room designed for sleeping. The act also requires, for manufactured homes and multifamily manufactured homes manufactured before September 16, 2002, that specified information regarding the smoke alarm be provided to the purchaser.

This bill would, instead, require all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold on or after January 1, 2020, or rented pursuant to a rental agreement entered into on or after January 1, 2020, to have installed in each room designed for sleeping a smoke alarm that is operable on the date of rental or transfer of title, is installed in accordance with the manufacturer's installation instructions, and has been approved and listed by the Office of the State Fire Marshal. The bill also would require that specified information regarding all smoke alarms installed in the used manufactured home, used mobilehome, or used multifamily manufactured home be provided to the purchaser or renter thereof.

Existing law, the Mobilehome Parks Act, requires an owner or operator of an existing mobilehome park to adopt an emergency preparedness plan on or before September 1, 2010. The act requires the owner or operator, for an existing park, and for parks constructed after September 10, 2010, to post notice of the plan in the park clubhouse and another conspicuous area, as specified, and, on or before September 10, 2010, to provide information relating to accessing the plan and individual emergency preparedness information. Existing law requires an enforcement agency to determine park compliance with these provisions if certain conditions have been met. Existing law deems a violation of these provisions to constitute an unreasonable risk to life, health, or safety and requires correction by park management within 60 days of notice of the violation. Under existing law, a willful violation of the act is a misdemeanor, as specified.

Existing law, the Dymally-Alatorre Bilingual Services Act, requires public agencies to translate their forms and processes into all languages spoken by a substantial number of non-English-speaking people, as defined, served by the agency, as specified.

This bill would require every park owner or operator to post notice of the emergency preparedness plan in the park clubhouse or in another publicly accessible area, as specified, and annually to provide notice to all existing residents of how to access the plan and information on individual emergency preparedness and how to obtain the plan in a language other than English. The bill would also require the owner or operator to make a portion of the emergency preparedness plan available in English as well as in all of the languages that the department is required to translate their forms and processes into pursuant to the Dymally-Alatorre Bilingual Services Act. The bill would require the department to translate a specified portion of the emergency preparedness plan into all of the languages required by the act and to post the translations on its internet website.

Because this bill would expand the scope of existing crimes, the bill would impose a state-mandated local program.

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 Local Program: yes

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

SECTION 1. Section 18029.6 of the Health and Safety Code is amended to read:

18029.6. (a) (1) Beginning January 1, 2020, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold on or after January 1, 2020, or rented pursuant to a rental agreement entered into on or after January 1, 2020, shall have a smoke alarm installed in each room designed for sleeping that is operable on the date of rental or transfer of title. Each smoke alarm shall be installed in accordance with the manufacturer's installation instructions and have been approved and listed by the Office of the State Fire Marshal pursuant to Section 13114.

(2) The smoke alarm manufacturer's information describing the operation, method and frequency of testing, and proper maintenance of all smoke alarms installed in the used manufactured home, used mobilehome, or used multifamily manufactured home shall be provided to the purchaser or renter of the used manufactured home, used mobilehome, or used multifamily manufactured home.

(b) The requirements of subdivision (a) shall be deemed satisfied if, within 45 days prior to the date of rental or of transfer of title, the lessor or the transferor signs a declaration stating that each smoke alarm in the manufactured home, mobilehome, or multifamily manufactured home is installed pursuant to subdivision (a) and is operable on the date the declaration is signed.

(c) The department may adopt rules and regulations to clarify or implement this section.

(d) For sales of manufactured homes or mobilehomes installed on real property pursuant to subdivision (a) of Section 18551, as to real estate agents licensed pursuant to Division 4 (commencing with Section 10000) of the Business and Professions Code, the real estate licensee liability provisions of subdivisions (e), (f), and (g) of Section 13113.8 shall apply to the disclosures required by this section.

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

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

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

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

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

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

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

(c) In every park, an owner or operator of a park shall do both of the following:

(1) Post notice of the emergency preparedness plan in the park clubhouse or in another publicly accessible area within the mobilehome park.

(2) Provide notice annually to all existing residents of how to access the plan and information on individual emergency preparedness contained therein and how to obtain the plan in a language other than English. This notice shall also be provided, upon approval of tenancy, to all new residents. This may be accomplished in a manner that includes, but is not limited to, distribution of materials and posting notice of the plan or information on how to access the plan via the internet.

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

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

SEC. 3. Section 18603.1 is added to the Health and Safety Code, to read:

18603.1. (a) The owner or operator of a park shall make Part II of the document referenced in subparagraph (A) of paragraph (3) of subdivision (b) of Section 18603, the emergency preparedness plan required by that section, available in English as well as in all of the languages that the department is required to translate its forms and processes into pursuant to Section 7299.3 of the Government Code. The department shall translate Part II of the document referenced in subparagraph (A) of paragraph (3) of subdivision (b) of Section 18603 into all of the languages that the department is required to translate its forms and processes into pursuant to Section 7299.3 of the Government Code. The department shall post these translations on its internet website.

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

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

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