



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-861 Mobilehome parks: rental restrictions: management. (2021-2022)

SHARE THIS:  

Date Published: 10/11/2021 02:00 PM

Assembly Bill No. 861

CHAPTER 706

An act to amend Section 798.23 of the Civil Code, relating to mobilehome parks.

[Approved by Governor October 08, 2021. Filed with Secretary of State October 08, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 861, Bennett. Mobilehome parks: rental restrictions: management.

Existing law, the Mobilehome Residency Law, regulates mobilehome parks and subjects the owner of the park and any person employed by the park to all park rules and regulations to the same extent as residents and their guests. Existing law exempts from those provisions any rules and regulations governing the age of residents or guests, and actions that are taken to fulfill a park owner's maintenance, management, and business operation responsibilities.

This bill would require management, as defined, to comply with a rule or regulation prohibiting the renting or subleasing of the homeowner's mobilehome or mobilehome space and would prohibit management from renting a mobilehome owned by management except that the bill would authorize management to directly rent up to 2 mobilehomes within the park for the purpose of housing onsite employees, as defined, and would authorize management to directly rent one additional mobilehome for every 200 mobilehomes in the park for that same purpose. The bill would, notwithstanding this limit, also authorize management to continue to directly rent a mobilehome to a tenant if the tenancy was initially established by a rental agreement executed before January 1, 2022, and a tenant listed in the agreement continues to occupy the mobilehome. The bill would exempt specified mobilehomes or mobilehome sites from these provisions, as provided.

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

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

SECTION 1. Section 798.23 of the Civil Code is amended to read:

798.23. (a) Management shall be subject to, and comply with, all park rules and regulations to the same extent as residents and their guests.

(b) Subdivision (a) of this section does not apply to either of the following:

(1) Any rule or regulation that governs the age of any resident or guest.

(2) Acts of management that are undertaken to fulfill management's maintenance, management, and business operation responsibilities.

(c) (1) Notwithstanding subdivision (b) and subject to paragraph (2), management shall be subject to, and comply with, all rules and regulations that prohibit a homeowner from renting or subleasing the homeowner's mobilehome or mobilehome space.

(2) (A) If a rule or regulation has been enacted that prohibits either renting or subleasing by a homeowner, management shall not directly rent a mobilehome except as follows:

(i) Management may directly rent up to two mobilehomes within the park for the purpose of housing onsite employees.

(ii) For every 200 mobilehomes in a park, the management may directly rent one more mobilehome within the park, in addition to the mobilehomes authorized for direct rental pursuant to clause (i), for the purpose of housing onsite employees.

(B) For purposes of this paragraph, "the purpose of housing onsite employees" includes directly renting a mobilehome to a person who is not an onsite employee to avoid a vacancy during times when the mobilehome is authorized for direct rental pursuant to subparagraph (A) and not needed for housing onsite employees.

(d) Notwithstanding subdivision (c), management may continue to directly rent a mobilehome to a tenant if both of the following apply:

(1) The tenancy was initially established by a rental agreement executed before January 1, 2022.

(2) A tenant listed on the rental agreement described in paragraph (1) continues to occupy the mobilehome.

(e) (1) A park shall be exempt from the provisions of subdivision (c) if either of the following apply:

(A) The park is owned and operated by an organization that qualifies as an exempt organization under Section 501(c)(3) of the United States Internal Revenue Code of 1986, and the property has been granted an exemption from property taxation pursuant to Section 214 of the Revenue and Taxation Code.

(B) The park is owned by a government agency or an entity controlled by a government agency, and has an affordability covenant in place.

(2) The exemption contained in paragraph (1) applies only to those mobilehomes or mobilehome sites within a park that are restricted for use as affordable housing pursuant to either a written regulatory agreement or the policy or practice of the exempt organization or government agency.