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SB-869 Housing: mobilehome parks: recreational vehicle parks: manager training. (2021-2022)

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Senate Bill No. 869

CHAPTER 662

An act to add Part 2.3.1 (commencing with Section 18876) to Division 13 of the Health and Safety Code, relating to housing.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 869, Leyva. Housing: mobilehome parks: recreational vehicle parks: manager training.

Existing law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency. Existing law establishes a director of the department and authorizes them to perform all duties, exercise all powers, discharge all responsibility, and administer and enforce all laws, rules, and regulations under the jurisdiction of the department, among other duties.

Existing law, the Mobilehome Residency Law, governs the terms and conditions of mobilehome park tenancies, including rental agreements between homeowners and the management of the mobilehome park and park rules and regulations. Existing law, the Mobilehome Parks Act, establishes requirements for the construction, maintenance, occupancy, use, and design of mobilehome parks. Existing law, the Recreational Vehicle Park Occupancy Law, governs the terms and conditions of recreational vehicle park tenancies. Existing law, the Special Occupancy Parks Act, establishes requirements for the construction, maintenance, occupancy, use, and design of special occupancy parks.

This bill would require the Department of Housing and Community Development, by May 1, 2025, to adopt regulations to require at least one person per mobilehome park or recreational vehicle park employed or acting under contract as an onsite manager or assistant manager, or otherwise acting in an onsite or offsite managerial capacity or role, on behalf of a mobilehome park or recreational vehicle park to receive training, as specified. The bill would require the training to be at least 6 hours, and no more than 8 hours, during the initial year and would require an online end-of-year examination to occur, as specified. The bill would require, every 2 years thereafter, a training of at least 2 hours, and no more than 4 hours, on rules and regulations for the park, among other matters. The bill would require the director of the department to permit a third-party provider to offer the training, as specified. Once permitted, the bill would require the director to review the training curriculum and materials of the permitted third-party provider every 2 years for compliance with the provisions of this bill. The bill would require the department to adopt regulations for the qualification and disqualification of third-party providers, as specified. The bill would require the department to adopt these regulations by May 1, 2025.

This bill would require the department or approved third-party provider to offer the training in an online format, would authorize the training to be offered in other formats, and would authorize the department to consult with the Department of Consumer Affairs, residents, and management, among others, in developing the training. The bill would require the department, upon a person's satisfactory completion of the training and the examination, and upon meeting the other requirements, to issue the person a certificate of completion that would expire every 2 years, and would establish a process for renewing the certificate.

This bill would establish the Mobilehome Park and Recreational Vehicle Training Fund within the State Treasury to receive all moneys derived under the bill's provisions and moneys in the fund would be available, upon appropriation by the Legislature, to the Department of Housing and Community Development, for the purpose of carrying out these provisions, as described. The bill would also authorize the department to establish, by regulation, a fee-based structure, not to exceed the department's reasonable costs in administering these provisions, and would set forth billing and payment procedures.

This bill would require the management of each mobilehome park to post a copy of the certificate issued to it by the department in a conspicuous location onsite, as specified. The bill would require the department to provide written notice to management regarding its compliance, as specified. The bill would authorize the department, if management of a park is out of compliance with these requirements, to impose a civil penalty, as specified, and suspend the management's permit to operate, upon first providing adequate notice and an opportunity to be heard in accordance with certain procedural requirements.

The Administrative Procedure Act generally governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would exempt regulations of the department adopted pursuant to this chapter from the Administrative Procedure Act.

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

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

SECTION 1. (a) The Legislature finds and declares that the quality of services provided to homeowners within manufactured homes, mobilehome parks and recreational parks by onsite management depends upon the adequate training of management, particularly with respect to addressing common complaints from homeowners relating to the Mobilehome Parks Act and the Special Occupancy Parks Act.

(b) It is the intent of the Legislature in enacting this act to ensure that the management of mobilehome parks and recreational vehicle parks have the knowledge, proficiency, and skills needed to carry out the duties of their jobs.

SEC. 2. Part 2.3.1 (commencing with Section 18876) is added to Division 13 of the Health and Safety Code, to read:

PART 2.3.1. Mobilehome and Recreational Vehicle Park Manager Training

18876. For purposes of this part, all of the following definitions apply:

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

(b) "Homeowner" means a homeowner, as defined in Section 798.9 of the Civil Code, an occupant, as defined in Section 799.28 of the Civil Code, or a tenant, as defined in Section 799.32 of the Civil Code.

(c) "Management" has the same meaning as management in Sections 798.2 and 799.26 of the Civil Code.

18876.1. (a) By May 1, 2025, the department shall adopt regulations to require at least one person per mobilehome park or recreational vehicle park employed as or acting under contract as an onsite manager or assistant manager, or otherwise acting in an onsite or offsite managerial capacity or role, on behalf of a mobilehome park or a recreational vehicle park, to receive appropriate training, consistent with this section.

(b) (1) This training shall consist of at least six hours, and no more than eight hours, during the initial year, including completion of an annual end-of-year online examination, which shall occur within one year of the person's hiring date or by May 1, 2026, whichever occurs later. Every two years thereafter, the training shall consist of at least two hours, and no more than four hours, of followup training coursework, followed by an online examination. The training coursework may utilize various methods of instruction, including, but not limited to, lectures, instructional videos, and online courses.

(2) (A) (i) The director shall permit a third-party provider to offer this training for the period of time the director determines the third-party provider is qualified and its training curriculum and materials are in compliance with this part.

(ii) The department shall adopt regulations for the qualification and disqualification of third-party providers. These regulations shall provide for the absence of any conflict of interest between management and third-party providers and for department oversight of the third-party provider's performance.

(iii) The department shall adopt these regulations by May 1, 2025.

(B) After a third-party provider is permitted to offer this training, pursuant to subparagraph (A), the director shall review the third-party provider's training curriculum and materials every two years for continued compliance with this part.

- (c) In developing the training, the department shall review the most prevalent or common complaints received, including those received during the existence of the Mobilehome Residency Law Protection Program established pursuant to Part 2.2 (commencing with Section 18800). Based on the findings of its review, the department may develop the content for the training and the examination process and revise the content where appropriate.
- (d) The department or approved third-party provider shall offer the training in an online format and may offer the training in other formats, as appropriate. The department may consult with the Department of Consumer Affairs, residents, management, and relevant stakeholders in developing the training. The training shall be undertaken by department staff and contracted persons who have experience and knowledge in connection with the subject matters described in subdivision (e).
- (e) The training described in this section shall focus upon and include, at minimum, all of the following applicable subject areas:
- (1) The provisions of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)).
 - (2) The provisions of the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860)).
 - (3) The provisions 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), including, but not limited to, the "Rental Agreement" (Article 2 (commencing with Section 798.15)), "Rules and Regulations" (Article 3 (commencing with Section 798.23)), "Fees and Charges" (Article 3.5 (commencing with Section 798.30)), "Utilities" (Article 4 (commencing with Section 798.40)), "Homeowner Communications and Meetings" (Article 5 (commencing with Section 798.50)), "Termination of Tenancy" (Article 6 (commencing with Section 798.55)), and "Transfer of Mobilehome or Mobilehome Park" (Article 7 (commencing with Section 798.70)).
 - (4) The provisions of the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20)) of Title 2 of Part 2 of Division 2 of the Civil Code.
 - (5) Rights and responsibilities of homeowners and management.
 - (6) Management's response to homeowner complaints.
 - (7) Addressing emergencies and emergency preparedness and procedures.
 - (8) Communication with homeowners.
 - (9) Mobilehome Parks and Installations regulations, contained in Chapter 2 of Division 1 of Title 25 of the California Code of Regulations.
 - (10) Mobilehome title and registration.
 - (11) Applicable Vehicle Code provisions, as referenced in the Mobilehome Residency Law.
 - (12) Any changes or updates to the Mobilehome Residency Law and Recreational Vehicle Park Occupancy Law from the prior year and recent reports produced by the department, including, but not limited to, the mobilehome park maintenance inspection program (Part 2.1 (commencing with Section 18400.1)) and the Mobilehome Residency Law Protection Program (Part 2.2 (commencing with Section 18800)), during the existence of that program.
- (f) Upon a person's satisfactory completion of the training and the examination, and upon meeting the other requirements of this section, the department shall issue the person a certificate, effective for two years. To renew a certificate, the certificate holder shall, on or before the certificate's expiration date, apply for renewal on a form provided by the department and submit documentation of the required training.
- (g) The department shall give written notice to a certificate holder 90 days in advance of the renewal date, informing the certificate holder, in general terms, of the provisions of this section.
- (h) The Mobilehome and Recreational Vehicle Park Training Fund is hereby established in the State Treasury. The fund shall receive all moneys derived pursuant to this section. Moneys in the fund shall be available, upon appropriation by the Legislature, to the department for expenditure in carrying out the provisions of this section, including, but not limited to, payment of any costs required to provide staff or resources to establish and implement the training described in this section. The department may establish, by regulation, a fee-based structure to cover the department's costs. The fees shall not exceed the reasonable costs to the department in administering this section. None of the fees described in this subdivision shall be reimbursable to park management by homeowners. Any fees applicable to park management shall be billed to and collected at the same time the park is billed for and pays fees for their permit to operate.
- (i) The management of a mobilehome park or recreational vehicle park shall post a copy of the certificate issued by the department pursuant to this section in a conspicuous location onsite. In the case of a mobilehome park, the certificate shall be

located near the sign required by Section 18253.5. If the management is out of compliance with the requirements of this section, the department shall provide written notice to management indicating that management has 60 days from the date the notice is sent to come into compliance with this part or it may receive a civil penalty issued by the department.

(1) If management fails to come into compliance with the requirements of this part within the 60 day timeline described in this subdivision, then the department may impose a civil penalty.

(2) If management has not come into compliance with the notice of civil penalty specified in paragraph (1), the department may suspend the management's permit to operate the park, upon first providing adequate notice to management and an opportunity to be heard prior to suspension, in accordance with the provisions of Part 2.1 (commencing with Section 18200) or Part 2.3 (commencing with Section 18860), as applicable.

(3) The notices of this subdivision shall include information on correcting a violation of this subdivision.

(j) The requirements of this section shall not apply to a person who is licensed under the Real Estate Law (Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code).

(k) Any regulation adopted by the department pursuant to this section shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.