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SB-1307 Department of Housing and Community Development: Mobilehome Parks Act: Special Occupancy Parks Act. (2021-2022)

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Senate Bill No. 1307

CHAPTER 669

An act to amend Sections 18867 and 18870.12 of, and to add Section 18301 to, 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 1307, Rubio. Department of Housing and Community Development: Mobilehome Parks Act: Special Occupancy Parks Act.

Existing law, the Mobilehome Parks Act, establishes requirements for the construction, maintenance, occupancy, use, and design of mobilehome parks and requires the Department of Housing and Community Development to enforce the act. Existing law, the Special Occupancy Parks Act, establishes requirements for the construction, maintenance, occupancy, use, and design of special occupancy parks and requires the department to enforce the act.

Existing law authorizes a city, county, or city and county to assume responsibility for the enforcement of the Mobilehome Parks Act, the Special Occupancy Parks Act, and the regulations adopted pursuant to those acts, following approval by the department for the assumption, as specified.

This bill would require the department to post an explanation of the process for a city, county, or city and county to assume the enforcement responsibilities pursuant to the acts described above, on its internet website, in multiple languages. The bill would also require the department to send an annual electronic notice that explains the process to every city, county, or city and county government that has a mobilehome park located within its jurisdiction.

Existing law requires an enforcement agency that determines that a special occupancy park is in violation of the Special Occupancy Parks Act to issue a notice to correct the violation to the owner or operator and to the responsible person, as specified. Existing law allows 30 days from the postmarked date of the notice or date of personal delivery for the elimination of the condition constituting the alleged violation for violations other than imminent threats to health and safety.

This bill would extend the period for elimination of the condition constituting the alleged violation to 60 days and make conforming changes.

Existing law requires that a valid permit issued by an enforcement agency be obtained before engaging in specified activities including, but not limited to, constructing a special occupancy park, constructing additional buildings or lots in an existing park, and operating a park. Existing law authorizes an enforcement agency to suspend the permit to operate if the person who holds the permit violates the permit or the Special Occupancy Parks Act. Existing law requires an enforcement agency to issue and serve upon a permittee a notice setting forth in what respect the provisions of the permit or of law have been violated, and

notifying them that unless these provisions have been complied with within 30 days after the date of notice, the permit is subject to suspension.

This bill would extend that time period to 60 days.

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

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

SECTION 1. Section 18301 is added to the Health and Safety Code, to read:

18301. (a) The department shall post an explanation of the process described in Section 18300 pursuant to which, following approval by the department, a city, county, or city and county may assume the responsibility for the enforcement of this part, Part 2.3 (commencing with Section 18860), and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860), on its internet website.

(b) The department shall post the explanation described in subdivision (a) in multiple languages, determined in compliance with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code).

(c) The department shall send an annual electronic notice that explains the process described in Section 18300 to every city, county, or city and county government that has a mobilehome park located within its jurisdiction.

SEC. 2. Section 18867 of the Health and Safety Code is amended to read:

18867. (a) (1) If, upon inspection, the enforcement agency determines that a special occupancy park is in violation of any provision of this part, or any rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the owner or operator of the special occupancy park and to the responsible person, as defined in Section 18871.8.

(2) If a violation constitutes an imminent threat to health and safety, the notice of violation shall be issued immediately and served on the owner or operator of the special occupancy park and to the responsible person, as defined in Section 18871.8.

(3) The owner or operator of the park shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(b) (1) If, upon inspection, the enforcement agency determines that a recreational vehicle, an accessory building or structure, or lot is in violation of any provision of Chapter 7 (commencing with Section 18870), Chapter 8 (commencing with Section 18871), Chapter 9 (commencing with Section 18872), or any regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the registered owner of the recreational vehicle, with a copy to the occupant thereof, if different from the registered owner.

(2) If a violation is discovered that constitutes an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, the notice of violation shall be issued immediately and served upon the occupant, with a copy mailed to the registered owner of the recreational vehicle, if different from the occupant, to the owner or operator of the special occupancy park, and to the responsible person, as defined in Section 18871.8.

(3) The registered owner or the occupant of the recreational vehicle shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(4) The enforcement agency may issue a notice of violation in accordance with this chapter to the owner and occupant of a recreational vehicle, mobilehome, manufactured home, park trailer, or of factory-built housing which occupies a lot within a special occupancy park.

(c) (1) Service of the notice of violation shall be effected either personally or by first-class mail. Each notice of violation shall be in writing and shall describe with particularity the nature of the violation in as clear language as the technicality of the violation will allow the average layperson to understand what is being cited, including a reference to the statutory provisions or regulation alleged to have been violated, as well as any penalty provided by law for failure to make timely correction.

(2) For violations other than imminent threats to health and safety as provided in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b), the notice of violation shall allow 60 days from the postmarked date of the notice or date of personal delivery for the elimination of the condition constituting the alleged violation.

(3) If, after the reinspection of a violation described in paragraph (2) of this subdivision, the enforcement agency determines that there is a valid reason why a violation has not been corrected, including, but not limited to, weather conditions, illness, availability of repair persons, or availability of financial resources, the enforcement agency may extend the time for correction, at its discretion, for a reasonable period of time after the 60-day period.

(4) Upon a reinspection after the 60-day period of a violation described in paragraph (2) of this subdivision, if a second notice to correct a violation that is the responsibility of the registered owner of the manufactured home or mobilehome or owner of the recreational vehicle pursuant to paragraph (1) of subdivision (b) is issued to the registered owner of a manufactured home or mobilehome or recreational vehicle, with a copy to the occupant thereof, if different from the registered owner, a copy of the notice shall also be provided to the owner or operator of the special occupancy park, and to the responsible person as defined in Section 18871.8.

(5) If a second notice to correct a park violation pursuant to paragraph (1) of subdivision (a) is issued to the owner or operator of the park and to the responsible person, as defined in Section 18871.8, the enforcement agency shall post a copy of the violation in a conspicuous place in the park common area, and the posted notice shall only be removed by the enforcement agency when the violation is corrected.

(6) All violations described in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b) shall be corrected within a reasonable time as determined by the enforcement agency. Notices of those violations shall state the time determined by the enforcement agency within which corrections must be made.

(d) Notwithstanding any other provision of law, the enforcement agency may, at its sole discretion, determine not to issue a notice of violation pursuant to this chapter if the condition which violates this part or the regulations adopted pursuant thereto does not constitute an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction. If the enforcement agency determines, pursuant to this subdivision, not to issue a notice of violation, the enforcement agency shall include in its inspection report a description of the condition that violates this part and its determination not to issue a notice of violation.

SEC. 3. Section 18870.12 of the Health and Safety Code is amended to read:

18870.12. The enforcement agency shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit or this code have been violated, and shall notify them that unless these provisions have been complied with within 60 days after the date of notice, the permit shall be subject to suspension.