



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

AB-318 Mobilehome Residency Law Protection Act. (2023-2024)

SHARE THIS:  

Date Published: 10/12/2023 09:00 PM

Assembly Bill No. 318

CHAPTER 736

An act to amend Sections 18802, 18805, and 18806 of the Health and Safety Code, relating to mobilehomes.

[Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 318, Addis. Mobilehome Residency Law Protection Act.

Existing law, the Mobilehome Residency Law Protection Act, establishes the Mobilehome Residency Law Protection Program within the Department of Housing and Community Development to assist in taking and resolving complaints from homeowners relating to the Mobilehome Residency Law. Existing law requires the department to refer any alleged violations of law or regulations within the department's jurisdiction to the Division of Codes and Standards. Existing law requires the department to use good faith efforts to select the most severe, deleterious, and materially and economically impactful alleged violations, as specified.

This bill would delete the requirement that the department select the most severe, deleterious, and materially and economically impactful alleged violations.

Existing law requires the department to contract with one or more qualified and experienced nonprofit legal services providers and refer complaints selected for evaluation, as described, to those nonprofit legal services providers for possible enforcement action. If the department selects a complaint for referral to and evaluation by a nonprofit legal services provider, existing law requires the department to send a notice to the complaining party and the management or mobilehome park owner. Existing law requires that notice to advise the parties that they are required to negotiate the matter in good faith to resolve the matter in 25 days. If after 25 days either party responds to a department inquiry that the matter is not resolved, existing law authorizes the department to refer the complaint to an appropriate enforcement agency or a nonprofit legal services provider.

This bill would remove the requirement that the department send the above-described notice and the requirement that the parties negotiate the matter in good faith to resolve the matter in 25 days.

Existing law required the department, on January 1, 2023, to submit a written report to the Legislature outlining data collected from the program and to make that report available on its internet website, that included, among other things, the amount of registration fees collected, the total number of complaint allegations received, the total number of complaint allegations processed, and the total number of complaint allegations referred to another enforcement agency or to a nonprofit legal services provider.

This bill would instead require the above-described information to be included in the department's annual report, as specified.

Under existing law, the Mobilehome Residency Law Protection Act is repealed on January 1, 2024.

This bill would extend the above-described January 1, 2024, repeal date to January 1, 2027.

Existing law, the Administrative Procedure Act, sets forth procedures a state agency is required to follow when adopting, amending, or repealing any regulation, including providing public notice and time for public comment, with exceptions for emergency regulations in the case of a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.

This bill would authorize the department to adopt regulations as necessary or appropriate to implement the Mobilehome Residency Law Protection Program. This bill, until January 1, 2027, would deem the adoption and readoption of regulations to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of the Administrative Procedure Act and would exempt the department from the requirement that it describe facts showing the need for immediate action.

This bill would require the department, before submitting an emergency regulation to the Office of Administrative Law, to solicit and consider stakeholder comments in the design and implementation of the program in at least one 30-day public comment period and provide responses in writing to substantive written comments received during the comment period.

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

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

SECTION 1. Section 18802 of the Health and Safety Code is amended to read:

18802. (a) The Mobilehome Residency Law Protection Program is hereby established within the department.

(b) Except as provided in subdivision (c), the department shall provide assistance in taking complaints, and helping to resolve and coordinate the resolution of those complaints, from homeowners relating to the Mobilehome Residency Law.

(c) The department shall not arbitrate, mediate, negotiate, or provide legal advice in connection with mobilehome park rent disputes, lease or rental agreements, or disputes arising from lease or rental agreements, but may provide information on these issues to the complaining party, management, or other responsible party.

(d) (1) The department shall refer any alleged violations of law or regulations within the department's jurisdiction to the Division of Codes and Standards within the department.

(2) The department may refer any alleged violations of law or regulations that are not within the jurisdiction of the department, including, but not limited to, rent disputes, criminal activity, or alleged discrimination, to the appropriate enforcement agency.

(e) (1) Upon receipt of a complaint, the department shall send the complaining party a letter confirming receipt and referencing those provisions of the Mobilehome Residency Law, if applicable, that may pertain to the complaint. If the department refers the complaint to an appropriate enforcement agency, pursuant to paragraph (2) of subdivision (d), the letter shall communicate that referral.

(2) A letter issued pursuant to this subdivision shall be in the same medium as the complaint to which the letter is in response.

(f) In evaluating a complaint, the department may request a copy of the lease, park rules, or any other relevant written documents applicable to a complaint from management. Management shall provide the information requested pursuant to this paragraph within 15 business days from the postmark date or the electronic transmission of the request. The department shall establish a mechanism for management to provide the documents electronically. Failure to comply with this requirement shall result in a noncompliance citation of two hundred fifty dollars (\$250) for each failure to comply. The department shall not provide the documents it receives pursuant to this paragraph to any person or entity other than the nonprofit legal services provider, an appropriate enforcement agency, or the complainant.

(g) If the department selects a complaint for referral to and evaluation by a nonprofit legal services provider pursuant to Section 18803, it shall send a notice to the complaining party and the management or mobilehome park owner.

(h) The department may aggregate multiple complaints submitted to the program into a single investigation. Multiple complaints may be aggregated within a single mobilehome park, or within multiple mobilehome parks where there is either:

(1) A common mobilehome park owner or mobilehome park owner entity, or common principals, partners, shareholders, members, or legal ownership amongst the multiple mobilehome parks.

(2) A common third-party or off-site management entity which manages the multiple mobilehome parks.

(i) Participation in the administrative procedures authorized by this part shall not be deemed to be grounds to authorize a delay in the prosecution of an unlawful detainer action. However, this section shall not be construed as preventing a court from exercising any power to delay based upon any other grounds.

(j) This section shall become operative on July 1, 2020.

(k) (1) The department may adopt regulations as necessary or appropriate to implement this section.

(2) Until January 1, 2027, the adoption and readoption of regulations to implement this section shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement that it describe facts showing the need for immediate action.

(3) Before submitting an emergency regulation to the office the department shall solicit and consider stakeholder comments in the design and implementation of the program in at least one 30-day public comment period. The department shall provide responses in writing to substantive written comments received during the comment period.

SEC. 2. Section 18805 of the Health and Safety Code is amended to read:

18805. (a) The department shall include all of the following information in the annual report submitted pursuant to Section 50408:

(1) The amount of registration fees collected pursuant to Section 18804 and the amount expended on the program.

(2) The total number of complaint allegations received, the total number of complaint allegations processed, and the total number of complaint allegations referred to another enforcement agency or to a nonprofit legal services provider.

(3) The type of complaint allegations received.

(4) To the extent possible, the outcome of each complaint received by the program.

(5) Activities completed by a nonprofit legal services provider contracted with pursuant to the program.

(6) The most common complaint allegations.

(7) Recommendations for any statutory or administrative changes to the program.

(b) The department shall additionally report the information required pursuant to paragraphs (1) to (3), inclusive, of subdivision (a) to the task force convened pursuant to Section 18400.3.

SEC. 3. Section 18806 of the Health and Safety Code is amended to read:

18806. This part shall remain in effect only until January 1, 2027, and as of that date is repealed.