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AB-2387 Mobilehome parks: additional lots: exemption from additional fees or charges. (2023-2024)

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Date Published: 09/23/2024 09:00 PM

Assembly Bill No. 2387

CHAPTER 396

An act to add Section 65852.8 to the Government Code, relating to mobilehome parks.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2387, Pellerin. Mobilehome parks: additional lots: exemption from additional fees or charges.

Existing law, the Mobilehome Parks Act (act), generally regulates various classifications of mobilehome and related vehicle parks, and imposes enforcement duties on the Department of Housing and Community Development and local enforcement agencies. The act authorizes any person to file an application with the governing body of a city or county for a conditional use permit for a mobilehome park. The act requires a person, before operating a mobilehome park, and each year thereafter, to obtain a valid permit from the enforcement agency in order to operate the park. The act also requires the owner of a mobilehome park to obtain a permit to create, move, shift, or alter park lot lines.

This bill would, subject to specified exceptions, authorize an owner of an existing mobilehome park that is subject to, or intends to qualify for, a valid permit to operate the park, to apply to the enforcement agency to add additional specified lots to the mobilehome park not to exceed 10% of the previously approved number of lots in the mobilehome park, if the owner has not had their permit to operate suspended. The bill would require the owner to apply to the enforcement agency for, and obtain from the enforcement agency, all required permits pursuant to the act before adding additional lots. The bill would exempt the additional lots from any business tax, local registration fee, use permit fee, or other fee, except those fees that apply to the existing lots in the park, and would prohibit the owner from reducing the size of, or interfering with, certain existing facilities without first complying with specified requirements for creating, moving, shifting, or altering lot lines. The bill would provide that the additional lots are considered new construction, as defined, except as provided, and specify how certain laws adopted by a city, county, or city and county that establish a maximum rent apply to additional lots.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill would prohibit the enforcement agency, city, or county from requiring a conditional use permit, zoning variance, or other zoning approval in order to add the lots. By requiring a city or county to ministerially approve a project to add the mobilehome park lots described above, this bill would exempt those projects from CEQA.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

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

SECTION 1. Section 65852.8 is added to the Government Code, to read:

65852.8. (a) An owner of an existing mobilehome park who is subject to, or intends to qualify for, a valid permit to operate issued pursuant to Section 18505 of the Health and Safety Code, whose permit to operate is not suspended pursuant to Section 18510 of the Health and Safety Code, may add either of the following types of lots to the mobilehome park, not to exceed 10 percent of the previously approved number of lots in the mobilehome park:

(1) A lot for a single-family manufactured home.

(2) A multifamily manufactured home, as defined in paragraph (1) of subdivision (a) of Section 18008.7 of the Health and Safety Code, on a lot previously occupied by a single-family mobilehome or manufactured home.

(A) A lot occupied by a multifamily manufactured home under this paragraph shall not be considered new construction, as defined in Section 798.7 of the Civil Code, for purposes of Section 798.45 of Civil Code.

(B) The conversion of a portion of single-family manufactured home lots into multifamily manufactured home lots under this paragraph shall not be the basis for closing or converting that portion of the mobilehome park into another use under Sections 65863.7 or 66427.4, or for terminating the tenancy of a resident in a mobilehome park to facilitate the change of use of the mobilehome park, or any portion thereof, under subdivision (g) of Section 798.56 of the Civil Code.

(3) Any combination of lots authorized by paragraphs (1) and (2).

(b) (1) Before adding any lot pursuant to subdivision (a), the owner of the mobilehome park shall apply to the enforcement agency for, and obtain from the enforcement agency, all permits required by this part necessary to increase occupancy in the park.

(2) Before issuing the permits, the enforcement agency shall require all reasonable information to ensure that the additional lots do not substantially impact the provision of services to the existing or new lots, including water, sewage, electrical, gas, and other utilities. The enforcement agency may require evidence of compliance with all local health, utility, and fire requirements, as it deems necessary.

(3) Upon approval from the enforcement agency pursuant to this section, the mobilehome park owner shall complete all necessary processes with the enforcement agency to update their permit to operate.

(c) (1) Lots added pursuant to this section shall not be subject to any business tax, local registration fee, use permit fee, or other fee, except those that are applicable to existing lots in the park.

(2) Pursuant to paragraph (1), a local agency may impose local property taxes, fees for water and sewer services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments that apply to the existing lots in the park.

(d) Notwithstanding any law, the lots added pursuant to this section shall be deemed to comply with the zoning and land use approvals of the existing mobilehome park, including any special use permit.

(e) For the purposes of local ordinances, lots added pursuant to this section shall not be deemed a use that differs from the mobilehome park's existing land use approvals.

(f) The enforcement agency, city, or county shall not require a conditional use permit, zoning variance, or other zoning approval for any lots added pursuant to this section.

(g) In adding lots pursuant to this section, the owner of a mobilehome park shall not reduce the size of, or otherwise interfere with, any in-use pools, dog parks, clubhouses, playgrounds, sports facilities, exercise rooms, libraries, boat or recreational vehicle (RV) storage, laundry facilities, community meeting spaces, or any existing occupied mobilehome spaces without first complying with the requirements for creating, moving, shifting, or altering lot lines under Section 18610.5 of the Health and Safety Code.

(h) A lot added to a mobilehome park pursuant to this section shall be considered new construction, as defined in Section 798.7 of the Civil Code, and the exemption of the lot from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county that establishes a maximum amount that the owner of the mobilehome park may charge for rent shall be determined according to Section 798.45 of the Civil Code.

(i) A lot added to a mobilehome park pursuant to this section shall not increase, revise, or change the number or percentage of lots within the park which are deemed to be, and shall not cause any existing lots within the park to become, exempt from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county that establishes a maximum amount that the owner of the mobilehome park may charge a tenant for rent.

(j) This section shall not apply to a mobilehome park that is located in an area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.

(k) The Legislature finds and declares that streamlining the addition of new mobilehome lots in existing parks is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.