2016

California

Mobilehome Residency Law

including
Other Selected Laws Governing
Mobilehome and RV Park Residency
&
Frequently Asked Questions

Compliments of the
California State Senate
Select Committee on Manufactured Home Communities
mobilehomes.senate.ca.gov

2016 CALIFORNIA MOBILEHOME RESIDENCY LAW

INTRODUCTION

Most of the provisions of the California Mobilehome Residency Law (MRL) were enacted piecemeal over a number of years and eventually codified under Chapter 2.5 of the Civil Code in 1978. Since 1978, a number of sections have been amended and others added to the Code. The MRL is divided into nine Articles, by subject, as indicated in the accompanying Table of Contents.

The Mobilehome Residency Law, like provisions of conventional landlord-tenant law, are enforced by the courts; that is, the disputing parties must enforce the MRL against one another in a court of law. The State Department of Housing and Community Development does not have authority to enforce these Civil Code provisions. For example, a park owner must utilize an unlawful detainer procedure in a court to evict a homeowner for non-payment of rent or failure to abide by reasonable park rules. By the same token, a manufactured home owner must bring legal action, in court, to enforce a notice or other MRL requirement, or obtain an injunction, if the management will not otherwise abide by the MRL.

Other selected laws not part of the MRL but related to park residency are included in this handbook. These include the Recreational Vehicle Park Occupancy Law, first enacted in 1979, governing tenancies in RV parks. The RV Park Occupancy Law was substantially revised in 1992, dividing it into seven Articles.

Also enclosed are relevant laws on mobilehome resale disclosure, park emergency preparedness plans, mobilehome park polling places, and traffic enforcement in mobilehome parks.

For the 2016 edition, there are five new amendments to the Mobilehome Residency Law. Also, the FAQs section has been expanded to include information regarding annual distribution of the MRL to tenants; the Resources section has been updated; and the Index has been revised to reflect repagination caused by shrinking of the text throughout the handbook.

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2016 MOBILEHOME RESIDENCY LAW

CHAPTER 2.5 OF THE CALIFORNIA CIVIL CODE

ARTICLE 1 - GENERAL

798 TITLE AND APPLICATION

This Chapter shall be known and may be cited as the "Mobilehome Residency Law."

(Amended by Stats. 1992, Chap. 958 (SB 1655, Craven), eff. 9/28/1992)

798.1 APPLICATION OF DEFINITIONS

Unless the provisions or context otherwise requires, the following definitions shall govern the construction of this chapter.

(Amended by Stats. 1978, Chap. 1031 (SB 2119, Mills), eff. 1/1/1979)

798.2 DEFINITION OF MANAGEMENT

"Management" means the owner of a mobilehome park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.

(Added by Stats. 1978, Chap. 1031 (SB 2119, Mills), eff. 1/1/1979)

798.3 DEFINITION OF MOBILEHOME

(a) "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but, except as provided in subdivision (b), does not include a recreational vehicle, as defined in Section 799.29 of this code and Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.8 of the Health and Safety Code.

(b) "Mobilehome," for purposes of this chapter, other than Section 798.73, also includes trailers and other recreational vehicles of all types defined in Section 18010 of the Health and Safety Code, other than motor homes, truck campers, and camping trailers, which are used for human habitation if the occupancy criteria of either paragraph (1) or (2), as follows, are met:

(1) The trailer or other recreational vehicle occupies a mobilehome site in the park, on November 15, 1992, under a rental agreement with a term of one month or longer, and the trailer or other recreational vehicle occupied a mobilehome site in the park prior to January 1, 1991.

(2) The trailer or other recreational vehicle occupies a mobilehome site in the park for nine or more continuous months commencing on or after November 15, 1992.

"Mobilehome" does not include a trailer or other recreational vehicle located in a recreational vehicle park subject to Chapter 2.6 (commencing with Section 799.20).

(Amended by Stats. 2005, Chap. 595 (SB 253, Torlakson), eff. 1/1/2006)

798.4 DEFINITION OF MOBILEHOME PARK

"Mobilehome park" is an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

(Added by Stats. 1978, Chap. 1031 (SB 2119, Mills), eff. 1/1/1979)

798.6 DEFINITION OF PARK

"Park" is a manufactured housing community as defined in Section 18210.7 of the Health & Safety Code, or a mobilehome park.

(Amended by Stats. 2007, Chap. 596 (AB 382, Saldana), eff. 1/1/2008)

798.7 DEFINITION OF NEW CONSTRUCTION

"New Construction" means any newly constructed spaces initially held out for rent after January 1, 1990.

(Added by Stats. 1989, Chap. 412 (SB 1241, Leonard), eff. 1/1/1990)

798.8 DEFINITION OF RENTAL AGREEMENT

"Rental agreement" is an agreement between the management and the homeowner establishing the terms and conditions of a park tenancy. A lease is a rental agreement.

(Amended by Stats. 1982, Chap. 1397 (AB 2429, Cortese), eff. 1/1/1983)

798.9 DEFINITION OF HOMEOWNER

"Homeowner" is a person who has a tenancy in a mobilehome park under a rental agreement.

(Amended by Stats. 1982, Chap. 1397 (AB 2429, Cortese), eff. 1/1/1983)

798.10 DEFINITION OF CHANGE OF USE

"Change of use" means a use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are to be sold.

(Amended by Stats. 1980, Chap. 137 (AB 760, Ellis), eff. 1/1/1982)

798.11 DEFINITION OF RESIDENT

"Resident" is a homeowner or other person who lawfully occupies a mobilehome.

(Amended by Stats. 1982, Chap. 1397 (AB 2429, Cortese), eff. 1/1/1983)

798.12 DEFINITION OF TENANCY

"Tenancy" is the right of a homeowner to the use of a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.

(Amended by Stats. 1982, Chap. 1397 (AB 2429, Cortese), eff. 1/1/1983)

798.13 STATE OWNED PARKS - EMPLOYEES

(a) This chapter does not apply to any area owned, operated, or maintained by the state for the purpose of providing employee housing or space for a mobilehome owned or occupied by an employee of the state.

(b) Notwithstanding subdivision (a), a state employer shall provide the occupant of a privately owned mobilehome that is situated in an employee housing area owned, operated, or maintained by the state, and that is occupied by a state employee by agreement with his or her state employer and subject to the terms and conditions of that state employment, with a minimum of 60-days' notice prior to terminating the tenancy for any reason.

(Added by Stats. 2000, Chap. 471 (AB 2008, Committee on Housing), eff. 1/1/2001)

798.14 DELIVERY OF NOTICE

(a) Unless otherwise provided, all notices required by this chapter shall be either delivered personally to the homeowner or deposited in the United States mail, postage prepaid, addressed to the homeowner at his or her site within the mobilehome park.

(b) All notices required by this chapter to be delivered prior to February 1 of each year may be combined in one notice that contains all the information required by sections under which the notices are given.

(Amended by Stats. 2012, Chap. 478 (AB 2150, Atkins), eff. 1/1/2013)

ARTICLE 2 - RENTAL AGREEMENT

798.15 IN-WRITING AND REQUIRED CONTENTS

The rental agreement shall be in writing and shall contain, in addition to the provisions otherwise required by law to be included, all of the following:

(a) The term of the tenancy and the rent therefor.

(b) The rules and regulations of the park.

(c) A copy of the text of this chapter shall be provided as an exhibit and shall be incorporated into the rental agreement by reference. Management shall do one of the following prior to February 1 of each year, if a significant change was made in this chapter by legislation enacted in the prior year:

(1) Provide all homeowners with a copy of this chapter.

(2) Provide written notice to all homeowners that there has been a change to this chapter and that they may obtain

one copy of this chapter from management at no charge. Management must provide a copy within a reasonable time, not to exceed seven days, upon request.

(d) A provision specifying that (1) it is the responsibility of the management to provide and maintain physical improvements in the common facilities in good working order and condition and (2) with respect to a sudden or unforeseeable breakdown or deterioration of these improvements, the management shall have a reasonable period of time to repair the sudden or unforeseeable breakdown or deterioration and bring the improvements into good working order and condition after management knows or should have known of the breakdown or deterioration. For purposes of this subdivision, a reasonable period of time to repair a sudden or unforeseeable breakdown or deterioration shall be as soon as possible in situations affecting a health or safety condition, and shall not exceed 30 days in any other case except where exigent circumstances justify a delay.

(e) A description of the physical improvements to be provided the homeowner during his or her tenancy.

(f) A provision listing those services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the fees, if any, to be charged for those services.

(g) A provision stating that management may charge a reasonable fee for services relating to the maintenance of the land and premises upon which a mobilehome is situated in the event the homeowner fails to maintain the land or premises in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within 14 days. The written notice shall state the specific condition to be corrected and an estimate of the charges to be imposed by management if the services are performed by management or its agent.

(h) All other provisions governing the tenancy.

(i) A copy of the following notice. Management shall also, prior to February 1 of each year, provide a copy of the following notice to all homeowners:

IMPORTANT NOTICE TO ALL MANUFACTURED HOME/MOBILEHOME OWNERS: CALIFORNIA LAW REQUIRES THAT YOU BE MADE AWARE OF THE FOLLOWING:

The Mobilehome Residency Law (MRL), found in Section 798 et seq. of the Civil Code, establishes the rights and responsibilities of homeowners and park management. The MRL is deemed a part of the terms of any park rental agreement or lease. This notice is intended to provide you with a general awareness of selected parts of the MRL. It does not serve as a legal explanation or interpretation. For authoritative information, you must read and understand the laws. These laws change from time to time. In any year in which the law has changed, you may obtain one copy of the full text of the law from management at no charge. This notice is required by Civil Code Section 798.15(i) and the information provided may not be current.

Homeowners and park management have certain rights and responsibilities under the MRL. These include, but are not limited to:

(1) Management must give a homeowner written notice of any increase in his or her rent at least 90 days before the date of the increase. (Civil Code Section 798.30)

(2) No rental or sales agreement may contain a provision by which a purchaser or a homeowner waives any of his or her rights under the MRL. (Civil Code Sections 798.19, 798.77)

(3) Management may not terminate or refuse to renew a homeowner's tenancy except for one or more of the authorized reasons set forth in the MRL. (Civil Code Sections 798.55, 798.56)

(4) A homeowner must give written notice to the management of not less than 60 days before vacating his or her tenancy. (Civil Code Section 798.59)

(5) Homeowners, residents, and their guests must comply with the rental agreement or lease, including the reasonable rules and regulations of the park and all applicable local ordinances and state laws and regulations relating to mobilehomes. Failure to comply could be grounds for eviction from the park. (Civil Code Section 798.56)

(6) Homeowners must pay rent, utility charges, and reasonable incidental service charges in a timely manner. Failure to comply could be grounds for eviction from the park. (Civil Code Section 798.56)

(7) Homeowners have a right to peacefully assemble and freely communicate with respect to mobilehome living and for social or educational purposes. Homeowners have a right to meet in the park, at reasonable hours and in a reasonable manner, for any lawful purpose. Homeowners may not be charged a cleaning deposit in order to use the park clubhouse for meetings of resident organizations or for other lawful purposes, such as to hear from political candidates, so long as a homeowner of the park is hosting the meeting and all park residents are allowed to attend. Homeowners may not be required to obtain liability insurance in order to use common facilities unless alcohol is served. (Civil Code Sections 798.50, 798.51)

(8) If a home complies with certain standards, the homeowner is entitled to sell it in place in the park. Management may require certain upgrades. Management may not require a homeowner to sell his or her home to the park, may not charge a transfer or selling fee, and may not require a homeowner to use a broker or dealer approved

by the park. A homeowner has a right to advertise his or her home for sale. Management may deny approval of a buyer, but only for certain reasons listed in the law. (Civil Code Sections 798.70-798.74)

(9) Management has the right to enter the space upon which a mobilehome is situated for maintenance of utilities, trees, and driveways; for inspection and maintenance of the space in accordance with the rules and regulations of the park when the homeowner or resident fails to maintain the space; and for protection and maintenance of the mobilehome park at any reasonable time, but not in a manner or at a time that would interfere with the resident's quiet enjoyment of his or her home. (Civil Code Section 798.26)

(10) A homeowner may not make any improvements or alterations to his or her space or home without following the rules and regulations of the park and all applicable local ordinances and state laws and regulations, which may include obtaining a permit to construct, and, if required by park rules or the rental agreement, without prior written approval of management. Failure to comply could be grounds for eviction from the park. (Civil Code Section 798.56)

(Amended by Stats. 2012, Chap. 478 (AB 2150, Atkins), eff. 1/1/2013)

798.16 INCLUSION OF OTHER PROVISIONS

(a) The rental agreement may include other provisions permitted by law, but need not include specific language contained in state or local laws not a part of this chapter.

(b) Management shall return an executed copy of the rental agreement to the homeowner within 15 business days after management has received the rental agreement signed by the homeowner.

(Amended by Stats. 2004, Chap. 302 (AB 2351, Corbett), eff. 1/1/2005)

798.17 RENTAL AGREEMENTS EXEMPT FROM RENT CONTROL; RIGHT TO INSPECT

(a) (1) Rental agreements meeting the criteria of subdivision (b) shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent. The terms of a rental agreement meeting the criteria of subdivision (b) shall prevail over conflicting provisions of an ordinance, rule, regulation, or initiative measure limiting or restricting rents in mobilehome parks, only during the term of the rental agreement or one or more uninterrupted, continuous extensions thereof. If the rental agreement is not extended and no new rental agreement in excess of 12 months' duration is entered into, then the last rental rate charged for the space under the previous rental agreement shall be the base rent for purposes of applicable provisions of law concerning rent regulation, if any.

(2) In the first sentence of the first paragraph of a rental agreement entered into on or after January 1, 1993, pursuant to this section, there shall be set forth a provision in at least 12-point boldface type if the rental agreement is printed, or in capital letters if the rental agreement is typed, giving notice to the homeowner that the rental agreement will be exempt from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent.

(b) Rental agreements subject to this section shall meet all of the following criteria:

(1) The rental agreement shall be in excess of 12 months' duration.

(2) The rental agreement shall be entered into between the management and a homeowner for the personal and actual residence of the homeowner.

(3) The homeowner shall have at least 30 days from the date the rental agreement is first offered to the homeowner to accept or reject the rental agreement.

(4) The homeowner who signs a rental agreement pursuant to this section may void the rental agreement by notifying management in writing within 72 hours of returning the signed rental agreement to management.

(5) The homeowner who signs a rental agreement pursuant to this section may void the agreement within 72 hours of receiving an executed copy of the rental agreement pursuant to Section 798.16. This paragraph shall only apply if management does not provide the homeowner with a copy of the signed rental agreement at the time the homeowner returns the signed rental agreement.

(c) If, pursuant to paragraph (3) or (4) of subdivision (b), the homeowner rejects the offered rental agreement or rescinds a signed rental agreement, the homeowner shall be entitled to instead accept, pursuant to Section 798.18, a rental agreement for a term of 12 months or less from the date the offered rental agreement was to have begun. In the event the homeowner elects to have a rental agreement for a term of 12 months or less, including a month-to-month rental agreement, the rental agreement shall contain the same rental charges, terms, and conditions as the rental agreement offered pursuant to subdivision (b), during the first 12 months, except for options, if any, contained in the offered rental agreement to extend or renew the rental agreement.

(d) Nothing in subdivision (c) shall be construed to prohibit the management from offering gifts of value, other than rental

rate reductions, to homeowners who execute a rental agreement pursuant to this section.

(e) With respect to any space in a mobilehome park that is exempt under subdivision (a) from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity that establishes a maximum amount that a landlord may charge a homeowner for rent, and notwithstanding any ordinance, rule, regulation, or initiative measure, a mobilehome park shall not be assessed any fee or other exaction for a park space that is exempt under subdivision (a) imposed pursuant to any ordinance, rule, regulation, or initiative measure. No other fee or other exaction shall be imposed for a park space that is exempt under subdivision (a) for the purpose of defraying the cost of administration thereof.

(f) At the time the rental agreement is first offered to the homeowner, the management shall provide written notice to the homeowner of the homeowner's right (1) to have at least 30 days to inspect the rental agreement, and (2) to void the rental agreement by notifying management in writing within 72 hours of receipt of an executed copy of the rental agreement. The failure of the management to provide the written notice shall make the rental agreement voidable at the homeowner's option upon the homeowner's discovery of the failure. The receipt of any written notice provided pursuant to this subdivision shall be acknowledged in writing by the homeowner.

(g) No rental agreement subject to subdivision (a) that is first entered into on or after January 1, 1993, shall have a provision which authorizes automatic extension or renewal of, or automatically extends or renews, the rental agreement for a period beyond the initial stated term at the sole option of either the management or the homeowner.

(h) This section does not apply to or supersede other provisions of this part or other state law.

(Amended by Stats. 2012, Chap. 477 (AB 1938, Williams), eff. 1/1/2013)

798.18 LENGTH OF AGREEMENT; COMPARABLE MONTHLY TERMS

(a) A homeowner shall be offered a rental agreement for (1) a term of 12 months, or (2) a lesser period as the homeowner may request, or (3) a longer period as mutually agreed upon by both the homeowner and management.

(b) No agreement shall contain any terms or conditions with respect to charges for rent, utilities, or incidental reasonable service charges that would be different during the first 12 months of the rental agreement from the corresponding terms or conditions that would be offered to the homeowners on a month-to-month basis.

(c) No rental agreement for a term of 12 months or less shall include any provision which authorizes automatic extension or renewal of, or automatically extends or renews, the rental agreement beyond the initial term for a term longer than 12 months at the sole option of either the management or the homeowner.

(Amended by Stats. 1992, Chap. 289 (SB 1454, Craven), eff. 1/1/1993)

798.19 NO WAIVER OF CHAPTER 2.5 RIGHTS

No rental agreement for a mobilehome shall contain a provision by which the homeowner waives his or her rights under the provisions of Articles 1 to 8, inclusive, of this chapter. Any such waiver shall be deemed contrary to public policy and void.

(Amended by Stats. 1982, Chap. 1397 (AB 2429, Cortese), eff. 1/1/1983)

798.19.5 PARK OWNER RIGHT OF FIRST REFUSAL TO PURCHASE HOME

A rental agreement entered into or renewed on and after January 1, 2006, shall not include a clause, rule, regulation, or any other provision that grants to management the right of first refusal to purchase a homeowner's mobilehome that is in the park and offered for sale to a third party pursuant to Article 7 (commencing with Section 798.70). This section does not preclude a separate agreement for separate consideration granting the park owner or management a right of first refusal to purchase the homeowner's mobilehome that is in the park and offered for sale.

(Added by Stats. 2005, Chap. 35 (SB 237, Migden), eff. 1/1/2006)

798.20 NO PRIVATE CLUB DISCRIMINATION

(a) Membership in any private club or organization that is a condition for tenancy in a park shall not be denied on any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of this code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

(Amended by Stats. 2006, Chap. 578 (AB 2800, Laird), eff. 1/1/2007)

798.21 NON-PRINCIPAL RESIDENCE - RENT CONTROL EXEMPT

(a) Notwithstanding Section 798.17, if a mobilehome space within a mobilehome park is not the principal residence of the homeowner and the homeowner has not rented the mobilehome to another party, it shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county, which establishes a maximum amount that the landlord may charge a tenant for rent.

(b) Nothing in this section is intended to require any homeowner to disclose information concerning his or her personal finances. Nothing in this section shall be construed to authorize management to gain access to any records which would otherwise be confidential or privileged.

(c) For purposes of this section, a mobilehome shall be deemed to be the principal residence of the homeowner, unless a review of state or county records demonstrates that the homeowner is receiving a homeowner's exemption for another property or mobilehome in this state, or unless a review of public records reasonably demonstrates that the principal residence of the homeowner is out of state.

(d) Before modifying the rent or other terms of tenancy as a result of a review of records, as described in subdivision (c), the management shall notify the homeowner, in writing, of the proposed changes and provide the homeowner with a copy of the documents upon which management relied.

(e) The homeowner shall have 90 days from the date the notice described in subdivision (d) is mailed to review and respond to the notice. Management may not modify the rent or other terms of tenancy prior to the expiration of the 90-day period or prior to responding, in writing, to information provided by the homeowner. Management may not modify the rent or other terms of tenancy if the homeowner provides documentation reasonably establishing that the information provided by management is incorrect or that the homeowner is not the same person identified in the documents. However, nothing in this subdivision shall be construed to authorize the homeowner to change the homeowner's exemption status of the other property or mobilehome owned by the homeowner.

(f) This section does not apply under any of the following conditions:

(1) The homeowner is unable to rent or lease the mobilehome because the owner or management of the mobilehome park in which the mobilehome is located does not permit, or the rental agreement limits or prohibits, the assignment of the mobilehome or the subletting of the park space.

(2) The mobilehome is being actively held available for sale by the homeowner, or pursuant to a listing agreement with a real estate broker licensed pursuant to Chapter 3 (commencing with Section 10130) of Part 1 of Division 4 of the Business and Professions Code, or a mobilehome dealer, as defined in Section 18002.6 of the Health and Safety Code. A homeowner, real estate broker, or mobilehome dealer attempting to sell a mobilehome shall actively market and advertise the mobilehome for sale in good faith to bona fide purchasers for value in order to remain exempt pursuant to this subdivision.

(3) The legal owner has taken possession or ownership, or both, of the mobilehome from registered owner through either a surrender of ownership interest by the registered owner or a foreclosure proceeding.

(Amended by Stats. 2003, Chap. 132 (AB 1173, Haynes), eff. 1/1/2004)

798.22 RECREATIONAL VEHICLES IN PARKS – DESIGNATED AREAS

(a) In any new mobilehome park that is developed after January 1, 1982, mobilehome spaces shall not be rented for the accommodation of recreational vehicles as defined by Section 799.29 unless the mobilehome park has a specifically designated area within the park for recreational vehicles, which is separate and apart from the area designated for mobilehomes. Recreational vehicles may be located only in the specifically designated area.

(b) Any new mobilehome park that is developed after January 1, 1982, is not subject to the provisions of this section until 75 percent of the spaces have been rented for the first time.

(Amended by Stats. 1993, Chap. 666 (AB 503, Rainey), eff. 1/1/1994)

ARTICLE 3 - RULES AND REGULATIONS

798.23 APPLICATION TO PARK OWNERS AND EMPLOYEES

(a) The owner of the park, and any person employed by the park, 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 a park owner or park employee which are undertaken to fulfill a park owner's maintenance, management, and business operation responsibilities.

(Amended by Stats. 2002, Chap. 672 (SB 1410, Chesbro), eff. 1/1/2003)

798.23.5 SUBLEASING

(a) (1) Management shall permit a homeowner to rent his or her home that serves as the homeowner's primary residence or sublet his or her space, under the circumstances described in paragraph (2) and subject to the requirements of this section.

(2) A homeowner shall be permitted to rent or sublet pursuant to paragraph (1) if a medical emergency or medical treatment requires the homeowner to be absent from his or her home and this is confirmed in writing by an attending physician.

(b) The following provisions shall apply to a rental or sublease pursuant to this section:

(1) The minimum term of the rental or sublease shall be six months, unless the management approves a shorter term, but no greater than 12 months, unless management approves a longer term.

(2) The management may require approval of a prospective renter or sublessee, subject to the process and restrictions provided by subdivision (a) of Section 798.74 for prospective purchasers of mobilehomes. A prospective sublessee shall comply with any rule or regulation limiting residency based on age requirements, pursuant to Section 798.76. The management may charge a prospective sublessee a credit screening fee for the actual cost of any personal reference check or consumer credit report that is provided by a consumer credit reporting agency, as defined in Section 1785.3, if the management or his or her agent requires that personal reference check or consumer credit report.

(3) The renter or sublessee shall comply with all rules and regulations of the park. The failure of a renter or sublessee to comply with the rules and regulations of the park may result in the termination of the homeowner's tenancy in the mobilehome park, in accordance with Section 798.56. A homeowner's tenancy may not be terminated under this paragraph if the homeowner completes an action for unlawful detainer or executes a judgment for possession, pursuant to Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure within 60 days of the homeowner receiving notice of termination of tenancy.

(4) The homeowner shall remain liable for the mobilehome park rent and other park charges.

(5) The management may require the homeowner to reside in the mobilehome park for a term of one year before management permits the renting or subletting of a mobilehome or mobilehome space.

(6) Notwithstanding subdivision (a) of Section 798.39, if a security deposit has been refunded to the homeowner pursuant to subdivision (b) or (c) of Section 798.39, the management may require the homeowner to resubmit a security deposit in an amount or value not to exceed two months' rent in addition to the first month's rent. Management may retain this security deposit for the duration of the term of the rental or sublease.

(7) The homeowner shall keep his or her current address and telephone number on file with the management during the term of rental or sublease. If applicable, the homeowner may provide the name, address, and telephone number of his or her legal representative.

(c) A homeowner may not charge a renter or sublessee more than an amount necessary to cover the cost of space rent, utilities, and scheduled loan payments on the mobilehome, if any.

(Added by Stats. 2002, Chap. 672 (SB 1410, Chesbro), eff. 1/1/2003)

798.24 POSTING OF COMMON AREA FACILITY HOURS

Each common area facility shall be open or available to residents at all reasonable hours and the hours of the common area facility shall be posted at the facility.

(Amended by Stats. 2001, Chap. 83 (AB 1202, Harman), eff. 1/1/2002)

798.25 AMENDMENTS TO RULES AND REGULATIONS – NOTICE

(a) Except as provided in subdivision (d), when the management proposes an amendment to the park's rules and regulations, the management shall meet and consult with the homeowners in the park, their representatives, or both, after written notice has been given to all the homeowners in the park 10 days or more before the meeting. The notice shall set forth the proposed amendment to the park's rules and regulations and shall state the date, time, and location of the meeting.

(b) Except as provided in subdivision (d), following the meeting and consultation with the homeowners, the noticed amendment to the park's rules and regulations may be implemented, as to any homeowner, with the consent of that homeowner, or without the homeowner's consent upon written notice of not less than six months, except for regulations applicable to recreational facilities, which may be amended without homeowner consent upon written notice of not less than 60 days.

(c) Written notice to a homeowner whose tenancy commences within the required period of notice of a proposed

amendment to the park's rules and regulations under subdivision (b) or (d) shall constitute compliance with this section where the written notice is given before the inception of the tenancy.

(d) When the management proposes an amendment to the park's rules and regulations mandated by a change in the law, including, but not limited to, a change in a statute, ordinance, or governmental regulation, the management may implement the amendment to the park's rules and regulations, as to any homeowner, with the consent of that homeowner or without the homeowner's consent upon written notice of not less than 60 days. For purposes of this subdivision, the management shall specify in the notice the citation to the statute, ordinance, or regulation, including the section number, that necessitates the proposed amendment to the park's rules and regulations.

(e) Any amendment to the park's rules and regulations that creates a new fee payable by the homeowner and that has not been expressly agreed upon by the homeowner and management in the written rental agreement or lease, shall be void and unenforceable.

(Amended by Stats. 2005, Chap. 22 (SB 1108, Committee on Judiciary), eff. 1/1/2006)

The following intent language appears in Section 2 of SB 351 (Chap. 323, Stat. 1999) but not in this code:

"The Legislature finds and declares that this act is intended to prohibit park owners from amending park rules and regulations to impose new fees on park residents. The act is not intended to limit the provisions of Article 4 (commencing with Section 798.30) of Chapter 2.5 of Title 2 of Part 2 of Division 2 of the Civil Code) with respect to the imposition of fees."

798.25.5 VOID AND UNENFORCEABLE RULES OR REGULATIONS

Any rule or regulation of a mobilehome park that (a) is unilaterally adopted by the management, (b) is implemented without the consent of the homeowners, and (c) by its terms purports to deny homeowners their right to a trial by jury or which would mandate binding arbitration of any dispute between the management and homeowners shall be void and unenforceable.

(Added by Stats. 1993, Chap. 889 (AB 1012, Bornstein), eff. 1/1/1994)

798.26 MANAGEMENT ENTRY INTO MOBILEHOMES

(a) Except as provided in subdivision (b), the ownership or management of a park have no right of entry to a mobilehome or enclosed accessory structure without the prior written consent of the resident. The consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the mobilehome park at any reasonable time, but not in a manner or at a time which would interfere with the resident's quiet enjoyment.

(b) The ownership or management of a park may enter a mobilehome or enclosed accessory structure without the prior written consent of the resident in case of an emergency or when the resident has abandoned the mobilehome or accessory structure.

(Amended by Stats. 2008, Chap. 115 (SB 1234, Correa), eff. 1/1/2009)

798.27 NOTICE OF ZONING OR USE PERMIT AND DURATION OF LEASE

(a) The management shall give written notice to all homeowners and prospective homeowners concerning the following matters:

(1) The nature of the zoning or use permit under which the mobilehome park operates. If the mobilehome park is operating pursuant to a permit subject to a renewal or expiration date, the relevant information and dates shall be included in the notice.

(2) The duration of any lease of the mobilehome park, or any portion thereof, in which the management is a lessee.

(b) If a change occurs concerning the zoning or use permit under which the park operates or a lease in which the management is a lessee, all homeowners shall be given written notice within 30 days of that change. Notification regarding the change of use of the park, or any portion thereof, shall be governed by subdivision (g) of Section 798.56. A prospective homeowner shall be notified prior to the inception of the tenancy.

(Amended by Stats. 1991, Chap. 190 (AB 600, Chacon), eff. 1/1/1992)

798.28 DISCLOSURE OF MOBILEHOME PARK OWNER'S NAME

The management of a mobilehome park shall disclose, in writing, the name, business address, and business telephone number of the mobilehome park owner upon the request of a homeowner.

(Amended by Stats. 1991, Chap. 62 (AB 577, Allen), eff. 1/1/1992)

798.28.5 VEHICLE REMOVAL FROM PARK

(a) Except as otherwise provided in this section, the management may cause the removal, pursuant to Section 22658 of the Vehicle Code, of a vehicle other than a mobilehome that is parked in the park when there is displayed a sign at each entrance to the park as provided in paragraph (1) of subdivision (a) of Section 22658 of the Vehicle Code.

(b) (1) Management may not cause the removal of a vehicle from a homeowner's or resident's driveway or a homeowner's or resident's designated parking space except if management has first posted on the windshield of the vehicle a notice stating management's intent to remove the vehicle in seven days and stating the specific park rule that the vehicle has violated that justifies its removal. After the expiration of seven days following the posting of the notice, management may remove a vehicle that remains in violation of a rule for which notice has been posted upon the vehicle. If a vehicle rule violation is corrected within seven days after the rule violation notice is posted on the vehicle, the vehicle may not be removed. If a vehicle upon which a rule violation notice has been posted is removed from the park by a homeowner or resident and subsequently is returned to the park still in violation of the rule stated in the notice, management is not required to post any additional notice on the vehicle, and the vehicle may be removed after the expiration of the seven-day period following the original notice posting

(2) If a vehicle poses a significant danger to the health or safety of a park resident or guest, or if a homeowner or resident requests to have a vehicle removed from his or her driveway or designated parking space, the requirements of paragraph (1) do not apply, and management may remove the vehicle pursuant to Section 22658 of the Vehicle Code.

(Amended by Stats. 2004, Chap. 302 (AB 2351, Corbett), eff. 1/1/2005)

798.29 NOTICE OF MOBILEHOME OMBUDSMAN

The management shall post a mobilehome ombudsman sign provided by the Department of Housing and Community Development, as required by Section 18253.5 of the Health and Safety Code.

(Amended by Stats. 1996, Chap. 402 (SB 1594, Craven), eff. 1/1/1997)

798.29.6 INSTALLATION OF ACCOMMODATIONS FOR THE DISABLED

The management shall not prohibit a homeowner or resident from installing accommodations for the disabled on the home or the site, lot, or space on which the mobilehome is located, including, but not limited to, ramps or handrails on the outside of the home, as long as the installation of those facilities complies with code, as determined by an enforcement agency, and those facilities are installed pursuant to a permit, if required for the installation, issued by the enforcement agency. The management may require that the accommodations installed pursuant to this section be removed by the current homeowner at the time the mobilehome is removed from the park or pursuant to a written agreement between the current homeowner and the management prior to the completion of the resale of the mobilehome in place in the park. This section is not exclusive and shall not be construed to condition, affect, or supersede any other provision of law or regulation relating to accessibility or accommodations for the disabled.

(Added by Stats. 2008, Chap. 170 (SB 1107, Correa), eff. 1/1/2009)

ARTICLE 3.5 - FEES AND CHARGES

798.30 NOTICE OF RENT INCREASE

The management shall give a homeowner written notice of any increase in his or her rent at least 90 days before the date of the increase.

(Amended by Stats. 1993, Chap. 448 (AB 870, Umberg), eff. 1/1/1994)

798.31 AUTHORIZED FEES CHARGED

A homeowner shall not be charged a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered.

A homeowner shall not be charged a fee for obtaining a lease on a mobilehome lot for (1) a term of 12 months, or (2) a lesser period as the homeowner may request. A fee may be charged for a lease of more than one year if the fee is mutually agreed upon by both the homeowner and management.

(Amended by Stats. 1984, Chap. 624 (SB 1487, Ellis), eff. 1/1/1985)

798.32 FEES CHARGED FOR UNLISTED SERVICES WITHOUT NOTICE

(a) A homeowner shall not be charged a fee for services actually rendered which are not listed in the rental agreement

unless he or she has been given written notice thereof by the management, at least 60 days before imposition of the charge.

(b) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

(Amended by Stats. 1992, Chap. 338 (SB 1365, Leslie), eff. 1/1/1993)

798.33 PETS

(a) No lease agreement entered into, modified, or renewed on or after January 1, 2001, shall prohibit a homeowner from keeping at least one pet within the park, subject to reasonable rules and regulations of the park. This section may not be construed to affect any other rights provided by law to a homeowner to keep a pet within the park.

(b) A homeowner shall not be charged a fee for keeping a pet in the park unless the management actually provides special facilities or services for pets. If special pet facilities are maintained by the management, the fee charged shall reasonably relate to the cost of maintenance of the facilities or services and the number of pets kept in the park.

(c) For purposes of this section, "pet" means any domesticated bird, cat, dog, aquatic animal kept within an aquarium, or other animal as agreed to between the management and the homeowner.

(Amended by Stats. 2000, Chap. 551 (AB 860, Thomson), eff. 1/1/2001)

798.34 GUESTS AND LIVE-IN CARE PROVIDERS

(a) A homeowner shall not be charged a fee for a guest who does not stay with him or her for more than a total of 20 consecutive days or a total of 30 days in a calendar year. A person who is a guest, as described in this subdivision, shall not be required to register with the management.

(b) A homeowner who is living alone and who wishes to share his or her mobilehome with one person may do so, and a fee shall not be imposed by management for that person. The person shall be considered a guest of the homeowner and any agreement between the homeowner and the person shall not change the terms and conditions of the rental agreement between management and the homeowner. The guest shall comply with the provisions of the rules and regulations of the mobilehome park.

(c) A homeowner may share his or her mobilehome with any person over 18 years of age if that person is providing live-in health care or live-in supportive care to the homeowner pursuant to a written treatment plan prepared by the homeowner's physician. A fee shall not be charged by management for that person. That person shall have no rights of tenancy in the park, and any agreement between the homeowner and the person shall not change the terms and conditions of the rental agreement between management and the homeowner. That person shall comply with the rules and regulations of the mobilehome park.

(d) A senior homeowner who resides in a mobilehome park that has implemented rules or regulations limiting residency based on age requirements for housing for older persons, pursuant to Section 798.76, may share his or her mobilehome with any person over 18 years of age if this person is a parent, sibling, child, or grandchild of the senior homeowner and requires live-in health care, live-in supportive care, or supervision pursuant to a written treatment plan prepared by a physician and surgeon. Management may not charge a fee for this person. Any agreement between the senior homeowner and this person shall not change the terms and conditions of the rental agreement between management and the senior homeowner. Unless otherwise agreed upon, park management shall not be required to manage, supervise, or provide for this person's care during his or her stay in the mobilehome park. This person shall have no rights of tenancy in the park, but shall comply with the rules and regulations of the mobilehome park. A violation of the mobilehome park rules and regulations by this person shall be deemed a violation of the rules and regulations by the homeowner pursuant to subdivision (d) of Section 798.56. As used in this subdivision, "senior homeowner" means a homeowner who is 55 years of age or older.

(Amended by Stats. 2008, Chap. 170 (SB 1107, Correa), eff. 1/1/2009)

798.35 MEMBERS OF IMMEDIATE FAMILY - NO FEES

A homeowner shall not be charged a fee based on the number of members in his or her immediate family. As used in this section, the "immediate family" shall be limited to the homeowner, his or her spouse, their parents, their children, and their grandchildren under 18 years of age.

(Amended by Stats. 1995, Chap. 24 (AB 283, Cortese), eff. 1/1/1996)

798.36 ENFORCEMENT OF PARK RULES

(a) A homeowner shall not be charged a fee for the enforcement of any of the rules and regulations of the park, except a

reasonable fee may be charged by management for the maintenance or cleanup, as described in subdvision (b), of the land and premises upon which the mobilehome is situated in the event the homeowner fails to do so in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within 14 days. The written notice shall state the specific condition to be corrected and an estimate of the charges to be imposed by management if the services are performed by management or its agent.

(b) (1) If management determines, in good faith, that the removal of a homeowner's or resident's personal property from the land and premises upon which the mobilehome is situated is necessary to bring the premises into compliance with the reasonable rules and regulations of the park or the provisions of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code) or Title 25 of the California Code of Regulations, management may remove the property to a reasonably secure storage facility. Management shall provide written notice of at least 14 days of its intent to remove the personal property, including a description of the property to be removed. The notice shall include the rule, regulation, or code justifying the removal and shall provide an estimate of the charges to be imposed by management. The property to be removed shall not include the mobilehome or its appurtenances or accessory structures.

(2) The homeowner or resident shall be responsible for reimbursing to management the actual, reasonable costs, if any, of removing and storing the property. These costs incurred by management in correcting the rules violation associated with the removal and storage of the property, are deemed reasonable incidental service charges and may be collected pursuant to subdivision (e) of Section 798.56 if a notice of nonpayment of the removal and storage fees, as described in paragraph (3), is personally served on the homeowner.

(3) Within seven days from the date the property is removed to a storage area, management shall provide the homeowner or resident a written notice that includes an inventory of the property removed, the location where the property may be claimed, and notice that the cost of removal and storage shall be paid by the resident or homeowner. If, within 60 days, the homeowner or resident does not claim the property, the property shall be deemed to be abandoned, and management may dispose of the property in any manner. The homeowner's or resident's liability for storage charges shall not exceed 60 days. If the homeowner or resident claims the property, but has not reimbursed management for storage costs, management may bill those costs in a monthly statement which shall constitute notice of nonpayment, and the costs shall become the obligation of the homeowner or resident. If a resident or homeowner communicates in writing his or her intent to abandon the property before 60 days has expired, management may dispose of the property immediately and no further storage charges shall accrue.

(4) If management elects to dispose of the property by way of sale or auction, and the funds received from the sale or auction exceed the amount owed to management, management shall refund the difference to the homeowner or resident within 15 days from the date of management's receipt of the funds from the sale or auction. The refund shall be delivered to the homeowner or resident by first-class mail postage prepaid to his or her address in the park, or by personal delivery, and shall include an accounting specifying the costs of removal and storage of the property incurred by management in correcting the rules violation and the amount of proceeds realized from any sale or auction. If a sale or auction of the property yields less than the costs incurred by management, the homeowner or resident shall be responsible for the difference, and this amount shall be deemed a reasonable incidental service charge and may be collected pursuant to subdivision (e) of Section 798.56 if a notice of nonpayment of the removal and storage fees, as described in paragraph (3), is personally served on the homeowner. If management elects to proceed under this section, it may not also terminate the tenancy pursuant to subdivision (d) of Section 798.56 based upon the specific violations relied upon to proceed under this section. In any proceeding under this section, management shall bear the burden of proof that enforcement was undertaken in a nondiscriminatory, nonselective fashion.

(Amended by Stats. 2005, Chap. 24 (SB 125, Dutton), eff. 1/1/2006)

798.37 ENTRY, HOOKUP, LANDSCAPING AND MAINTENANCE CHARGES

A homeowner may not be charged a fee for the entry, installation, hookup, or landscaping as a condition of tenancy except for an actual fee or cost imposed by a local governmental ordinance or requirement directly related to the occupancy of the specific site upon which the mobilehome is located and not incurred as a portion of the development of the mobilehome park as a whole. However, reasonable landscaping and maintenance requirements may be included in the park rules and regulations. The management may not require a homeowner or prospective homeowner to purchase, rent, or lease goods or services for landscaping, remodeling, or maintenance from any person, company, or corporation.

(Amended by Stats. 2004, Chap. 302 (AB 2351, Corbett), eff. 1/1/2005)

798.37.5 TREES AND DRIVEWAYS

(a) With respect to trees on rental spaces in a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof, upon written notice by a homeowner or a determination by park management that the tree poses a specific hazard or health and safety violation. In the case of a dispute over that assertion, the park management or a homeowner may request an inspection by the Department of Housing and Community Development or a local agency responsible for the enforcement of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code) in order to determine whether a violation of that act exists.

(b) With respect to trees in the common areas of a mobilehome park, park management shall be solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof.

(c) Park management shall be solely responsible for the maintenance, repair, replacement, paving, sealing, and the expenses related to the maintenance of all driveways installed by park management including, but not limited to, repair of root damage to driveways and foundation systems and removal. Homeowners shall be responsible for the maintenance, repair, replacement, paving, sealing, and the expenses related to the maintenance of a homeowner installed driveway. A homeowner may be charged for the cost of any damage to the driveway caused by an act of the homeowner or a breach of the homeowner's responsibilities under the rules and regulations so long as those rules and regulations are not inconsistent with the provisions of this section.

(d) No homeowner may plant a tree within the mobilehome park without first obtaining written permission from the management.

(e) This section shall not apply to alter the terms of any rental agreement in effect prior to January 1, 2001, between the park management and the homeowner regarding the responsibility for the maintenance of trees and driveways within the mobilehome park, except that upon any renewal or extension, the rental agreement shall be subject to this section. This section is not intended to abrogate the content of any existing rental agreement or other written agreements regarding trees or driveways that are in effect prior to January 1, 2001.

(f) This section shall only apply to rental agreements entered into, renewed, or extended on or after January 1, 2001.

(g) Any mobilehome park rule or regulation shall be in compliance with this section.

(Amended by Stats. 2014, Chap. 298 (AB 2753, Committee on Housing), eff. 1/1/2015)

798.38 NO LIEN/SECURITY INTEREST EXCEPT BY MUTUAL AGREEMENT

The management shall not acquire a lien or security interest, other than an interest arising by reason of process issued to enforce a judgment of any court, in a mobilehome located in the park unless it is mutually agreed upon by both the homeowner and management. Any billing and payment upon the obligation shall be kept separate from current rent.

(Amended by Stats. 2009, Chap. 558 (SB 111, Correa), eff. 1/1/2010)

798.39 SECURITY DEPOSITS

(a) The management may only demand a security deposit on or before initial occupancy and the security deposit may not be in an amount or value in excess of an amount equal to two months' rent that is charged at the inception of the occupancy, in addition to any rent for the first month. In no event shall additional security deposits be demanded of a homeowner following the initial occupancy.

(b) As to all security deposits collected on or after January 1, 1989, after the homeowner has promptly paid to the management, within five days of the date the amount is due, all of the rent, utilities, and reasonable service charges for any 12-consecutive-month period subsequent to the collection of the security deposit by management, or upon resale of the mobilehome, whichever occurs earlier, management shall, upon the receipt of a written request from the homeowner, refund to the homeowner the amount of the security deposit within 30 days following the end of the 12-consecutive-month-period of the prompt payment or the date of the resale of the mobilehome.

(c) As to all security deposits collected prior to January 1, 1989, upon the extension or renewal of the rental agreement or lease between the homeowner and the management, and upon the receipt of a written request from the homeowner, if the homeowner has promptly paid to the management, within five days of the date the amount is due, all of the rent, utilities, and reasonable service charges for the 12-consecutive-month period preceding the receipt of the written request, the management shall refund to the homeowner the amount of the security deposit within 60 days.

(d) As to all security deposits collected prior to January 1, 1989**,** and not disbursed pursuant to subdivision (c), in the event that the mobilehome park is sold or transferred to any other party or entity, the selling park owner shall deposit in escrow an amount equal to all security deposits that the park owner holds. The seller's escrow instructions shall direct that, upon close of escrow, the security deposits therein that were held by the selling park owner (including the period in escrow) for 12 months or more, shall be disbursed to the persons who paid the deposits to the selling park

owner and promptly paid, within five days of the date the amount is due, all rent, utilities, and reasonable service charges for the 12-month period preceding the close of escrow.

(e) Any and all security deposits in escrow that were held by the selling park owner that are not required to be disbursed pursuant to subdivision (b), (c), or (d) shall be disbursed to the successors in interest to the selling or transferring park owner, who shall have the same obligations of the park's management and ownership specified in this section with respect to security deposits. The disbursal may be made in escrow by a debit against the selling park owner and a credit to the successors in interest to the selling park owner.

(f) The management shall not be required to place any security deposit collected in an interest-bearing account or to provide a homeowner with any interest on the security deposit collected.

(g) Nothing in this section shall affect the validity of title to real property transferred in violation of this section.

(Amended by Stats. 2001, Chap 151 (AB 210, Corbett), eff. 1/1/2002)

798.39.5 FINES AND FORFIETURES NOT CHARGEABLE

(a) (1) The management shall not charge or impose upon a homeowner any fee or increase in rent which reflects the cost to the management of any fine, forfeiture, penalty, money damages, or fee assessed or awarded by a court of law or any enforcement agency against the management for a violation of this chapter or Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code, including any attorney's fees and costs incurred by the management in connection therewith.

(2) This section shall not apply to violations for which the registered owner of the mobilehome is initially responsible pursuant to subdivision (b) of Section 18420 of the Health and Safety Code.

(b) A court shall consider the remoteness in time of the assessment or award against the management of any fine, forfeiture, penalty, money damages, or fee in determining whether the homeowner has met the burden of proof that the fee or increase in rent is in violation of this section.

(c) Any provision in a rental agreement entered into, renewed, or modified on or after January 1, 1995, that permits a fee or increase in rent that reflects the cost to the management of any money damages awarded against the management for a violation of this chapter shall be void.

(Amended by Stats. 2012, Chap. 477 (AB 1938, Williams), eff. 1/1/2013)

ARTICLE 4 – UTILITIES

798.40 UTILITY SERVICE BILLING; RATE SCHEDULE

(a) Where the management provides both master-meter and submeter service of utilities to a homeowner, for each billing period the cost of the charges for the period shall be separately stated along with the opening and closing readings for his or her meter. The management shall post, in a conspicuous place, the specific current residential utility rate schedule as published by the serving utility or the Internet Web site address of the specific current residential utility rate schedule. If the management elects to post the Internet Web site address where the schedule may be accessed, the management shall also: (1) provide a copy of the specific current residential utility rate schedule, upon request, at no cost; and (2) state in the posting that a homeowner may request a copy of the rate schedule from management.

(b) If a third-party billing agent or company prepares utility billing for the park, the management shall disclose on each resident's billing, the name, address, and telephone number of the billing agent or company.

(Amended by Stats. 2013, Chap. 201 (SB 196, Cannella), eff. 1/1/2014)

798.41 UTILITIES SEPARATELY BILLED - REDUCED FROM RENT

(a) Where a rental agreement, including a rental agreement specified in Section 798.17, does not specifically provide otherwise, the park management may elect to bill a homeowner separately for utility service fees and charges assessed by the utility for services provided to or for spaces in the park. Any separately billed utility fees and charges shall not be deemed to be included in the rent charged for those spaces under the rental agreement, and shall not be deemed to be rent or a rent increase for purposes of any ordinance, rule, regulation, or initiative measure adopted or enforced by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent, provided that at the time of the initial separate billing of any utility fees and charges the rent chargeable under the rental agreement or the base rent chargeable under the terms of a local rent control provision is simultaneously reduced by an amount equal to the fees and charges separately billed. The amount of this reduction shall be equal to the average amount charged to the park management for that utility service for that space during the 12 months immediately preceding notice of the commencement of the separate billing for that utility service.

Utility services to which this section applies are natural gas or liquid propane gas, electricity, water, cable television, garbage or refuse service, and sewer service.

(b) This section does not apply to rental agreements entered into prior to January 1, 1991, until extended or renewed on or after that date.

(c) Nothing in this section shall require rental agreements to provide for separate billing to homeowners of fees and charges specified in subdivision (a).

(d) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

(Amended by Stats. 1992, Chap. 338 (SB 1365, Leslie), eff. 1/1/1993)

798.42 NOTICE OF UTILITY INTERRUPTION

The management shall provide, by posting notice on the mobilehomes of all affected homeowners and residents, at least 72 hours' written advance notice of an interruption in utility service of more than two hours for the maintenance, repair, or replacement of facilities of utility systems over which the management has control within the park, provided that the interruption is not due to an emergency. The management shall be liable only for actual damages sustained by a homeowner or resident for violation of this section.

"Emergency," for purposes of this section, means the interruption of utility service resulting from an accident or act of nature, or cessation of service caused by other than the management's regular or planned maintenance, repair, or replacement of utility facilities.

(Amended by Stats. 2009, Chap. 558 (SB 111, Correa), eff. 1/1/2010)

798.43 DISCLOSURE OF COMMON AREA UTILITY CHARGES

(a) Except as provided in subdivision (b), whenever a homeowner is responsible for payment of gas, water, or electric utility service, management shall disclose to the homeowner any condition by which a gas, water, or electric meter on the homeowner's site measures gas, water, or electric service for common area facilities or equipment, including lighting, provided that management has knowledge of the condition.

Management shall disclose this information prior to the inception of the tenancy or upon discovery and shall complete either of the following:

(1) Enter into a mutual written agreement with the homeowner for compensation by management for the cost of the portion of the service measured by the homeowner's meter for the common area facilities or equipment to the extent that this cost accrues on or after January 1, 1991.

(2) Discontinue using the meter on the homeowner's site for the utility service to the common area facilities and equipment.

(b) On or after January 1, 1994, if the electric meter on the homeowner's site measures electricity for lighting mandated by Section 18602 of the Health and Safety Code and this lighting provides lighting for the homeowner's site, management shall be required to comply with subdivision (a).

(Amended by Stats. 1993, Chap. 147 (AB 1140, Epple), eff. 1/1/1994)

798.43.1 CALIFORNIA ALTERNATE RATES FOR ENERGY PROGRAM (CARE)

(a) The management of a master-meter park shall give written notice to homeowners and residents on or before February 1 of each year in their utility billing statements about assistance to low-income persons for utility costs available under the California Alternate Rates for Energy (CARE) program, established pursuant to Section 739.1 of the Public Utilities Code. The notice shall include CARE information available to master-meter customers from their serving utility, to include, at a minimum: (1) the fact that CARE offers a discount on monthly gas or electric bills for qualifying low-income residents; and (2) the telephone number of the serving utility which provides CARE information and applications. The park shall also post the notice in a conspicuous place in the clubhouse, or if there is no clubhouse, in a conspicuous public place in the park.

(b) The management of a master-meter park may accept and help process CARE program applications from homeowners and residents in the park, fill in the necessary account or other park information required by the serving utility to process the applications, and send the applications to the serving utility. The management shall not deny a homeowner or resident who chooses to submit a CARE application to the utility himself or herself any park information, including a utility account number, the serving utility requires to process a homeowner or resident CARE program application.

(c) The management of a master-meter park shall pass through the full amount of the CARE program discount in monthly

utility billings to homeowners and residents who have qualified for the CARE rate schedule, as defined in the serving utility's applicable rate schedule. The management shall notice the discount on the billing statement of any homeowner or resident who has qualified for the CARE rate schedule as either the itemized amount of the discount or a notation on the statement that the homeowner or resident is receiving the CARE discount on the electric bill, the gas bill, or both the electric and gas bills.

(d) ''Master-meter park'' as used in this section means ''master-meter customer'' as used in Section 739.5 of the Public Utilities Code.

(Amended by Stats. 2001, Chap. 437 (SB 920, Dunn), eff. 1/1/2002)

798.44 LIQUEFIED PETROLEUM GAS SALES

(a) The management of a park that does not permit mobilehome owners or park residents to purchase liquefied petroleum gas for use in the mobilehome park from someone other than the mobilehome park management shall not sell liquefied petroleum gas to mobilehome owners and residents within the park at a cost which exceeds 110 percent of the actual price paid by the management of the park for liquefied petroleum gas.

(b) The management of a park shall post in a visible location the actual price paid by management for liquefied petroleum gas sold pursuant to subdivision (a).

(c) This section shall apply only to mobilehome parks regulated under the Mobilehome Residency Law. This section shall not apply to recreational vehicle parks, as defined in Section 18215 of the Health and Safety Code, which exclusively serve recreational vehicles, as defined in Section 18010 of the Health and Safety Code.

(d) Nothing in this section is intended to abrogate any rights a mobilehome park owner may have under Section 798.31 of the Civil Code.

(e) In addition to a mobilehome park described in subdivision (a), the requirements of subdivisions (a) and (b) shall apply to a mobilehome park where requirements of federal, state, or local law or regulation, including, but not limited to, requirements for setbacks between mobilehomes, prohibit homeowners or residents from installing their own liquefied petroleum gas supply tanks, notwithstanding that the management of the mobilehome park permits mobilehome owners and park residents to buy their own liquefied petroleum gas.

(Amended by Stats. 2009, Chap. 558 (SB 111, Correa), eff. 1/1/2010)

ARTICLE 4.5 - RENT CONTROL

798.45 NEW CONSTRUCTION EXEMPT

Notwithstanding Section 798.17, "new construction" as defined in Section 798.7, shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county, which establishes a maximum amount that a landlord may charge a tenant for rent.

(Added by Stats. 1989, Chap. 412 (SB 1241, Leonard), eff. 1/1/1990)

798.49 GOVERNMENT FEES AND ASSESSMENTS THAT ARE EXEMPT

(a) Except as provided in subdivision (d), the local agency of any city, including a charter city, county, or city and county, which administers an ordinance, rule, regulation, or initiative measure that establishes a maximum amount that management may charge a tenant for rent shall permit the management to separately charge a homeowner for any of the following:

(1) The amount of any fee, assessment or other charge first imposed by a city, including a charter city, a county, or a city and county, the state, or the federal government on or after January 1, 1995, upon the space rented by the homeowner.

(2) The amount of any increase on or after January 1, 1995, in an existing fee, assessment or other charge imposed by any governmental entity upon the space rented by the homeowner.

(3) The amount of any fee, assessment or other charge upon the space first imposed or increased on or after January 1, 1993, pursuant to any state or locally mandated program relating to housing contained in the Health and Safety Code.

(b) If management has charged the homeowner for a fee, assessment, or other charge specified in subdivision (a) that was increased or first imposed on or after January 1, 1993, and the fee, assessment, or other charge is decreased or eliminated thereafter, the charge to the homeowner shall be decreased or eliminated accordingly.

(c) The amount of the fee, assessment or other charges authorized by subdivision (a) shall be separately stated on any billing to the homeowner. Any change in the amount of the fee, assessment, or other charges that are separately billed pursuant to subdivision (a) shall be considered when determining any rental adjustment under the local ordinance.

(d) This section shall not apply to any of the following:
   (1) Those fees, assessments, or charges imposed pursuant to the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), unless specifically authorized by Section 18502 of the Health and Safety Code.
   (2) Those costs that are imposed on management by a court pursuant to Section 798.42.
   (3) Any fee or other exaction imposed upon management for the specific purpose of defraying the cost of administration of any ordinance, rule, regulation, or initiative measure that establishes a maximum amount that management may charge a tenant for rent.
   (4) Any tax imposed upon the property by a city, including a charter city, county, or city and county.

(e) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

(Amended by Stats. 1994, Chap. 340 (SB 1510, Lewis), eff. 1/1/1995)

ARTICLE 5 - HOMEOWNER COMMUNICATIONS AND MEETINGS

798.50 LEGISLATIVE INTENT

It is the intent of the Legislature in enacting this article to ensure that homeowners and residents of mobilehome parks have the right to peacefully assemble and freely communicate with one another and with others with respect to mobilehome living or for social or educational purposes.

(Added by Stats. 1989, Chap. 198 (SB 175, Craven), eff. 1/1/1990)

798.51 RIGHT TO ASSEMBLE, MEET, CANVASS, PETITION & INVITE SPEAKERS

(a) No provision contained in any mobilehome park rental agreement, rule, or regulation shall deny or prohibit the right of any homeowner or resident in the park to do any of the following:
   (1) Peacefully assemble or meet in the park, at reasonable hours and in a reasonable manner, for any lawful purpose. Meetings may be held in the park community or recreation hall or clubhouse when the facility is not otherwise in use, and, with the consent of the homeowner, in any mobilehome within the park.
   (2) Invite public officials, candidates for public office, or representatives of mobilehome owner organizations to meet with homeowners and residents and speak upon matters of public interest, in accordance with Section 798.50.
   (3) Canvass and petition homeowners and residents for noncommercial purposes relating to mobilehome living, election to public office, or the initiative, referendum, or recall processes, at reasonable hours and in a reasonable manner, including the distribution or circulation of information.

(b) A homeowner or resident may not be charged a cleaning deposit in order to use the park recreation hall or clubhouse for meetings of resident organizations for any of the purposes stated in Section 798.50 and this section, whether or not guests or visitors from outside the park are invited to attend the meeting, if a homeowner or resident of the park is hosting the meeting and all homeowners or residents of the park are allowed to attend.

(c) A homeowner or resident may not be required to obtain liability insurance in order to use common area facilities for the purposes specified in this section and Section 798.50. However, if alcoholic beverages are to be served at any meeting or private function, a liability insurance binder may be required by the park ownership or management. The ownership or management of a mobilehome park may prohibit the consumption of alcoholic beverages in the park common area facilities if the terms of the rental agreement or the rules and regulations of the park prohibit it.

(d) A homeowner, organization, or group of homeowners using a recreation hall or clubhouse pursuant to this section shall be required to adhere to any limitations or restrictions regarding vehicle parking or maximum occupancy for the clubhouse or recreation hall.

(e) A homeowner or resident may not be prohibited from displaying a political campaign sign relating to a candidate for election to public office or to the initiative, referendum, or recall process in the window or on the side of a manufactured home or mobilehome, or within the site on which the home is located or installed. The size of the face of a political sign may not exceed six square feet, and the sign may not be displayed in excess of a period of time from 90 days prior to an election to 15 days following the election, unless a local ordinance within the jurisdiction where the mobilehome park is located imposes a more restrictive period of time for the display of such a sign.

(Amended by Stats. 2003, Chap. 249 (SB 116, Dunn), eff. 1/1/2004)

The following intent language appears in Section 4 of SB 116 (Chapter 249) but not in this code:
"It is the intent of the Legislature that enactment of this bill not affect any other form of political expression by a homeowner or

resident of a mobilehome park where that expression is not associated with an election or political campaign."

798.52 INJUNCTIVE ACTION TO ENFORCE RIGHTS

Any homeowner or resident who is prevented by management from exercising the rights provided for in Section 798.51 may bring an action in a court of law to enjoin enforcement of any rule, regulation, or other policy which unreasonably deprives a homeowner or resident of those rights.

(Added by Stats. 1989, Chap. 198 (SB 175, Craven), eff. 1/1/1990)

ARTICLE 5.5 - HOMEOWNERS MEETINGS WITH MANAGEMENT

798.53 MANAGEMENT MEETINGS WITH RESIDENTS

The management shall meet and consult with the homeowners, upon written request, within 30 days of the request, either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented on the following matters:

(a) Resident concerns regarding existing park rules that are not subject to Section 798.25.
(b) Standards for maintenance of physical improvements in the park.
(c) Addition, alteration, or deletion of service, equipment, or physical improvements.
(d) Rental agreements offered pursuant to Section 798.17.

Any collective meeting shall be conducted only after notice thereof has been given to all the requesting homeowners 10 days or more before the meeting.

(Amended by Stats. 1994, Chap. 340 (SB 1510, Lewis), eff. 1/1/1995)

ARTICLE 6 - TERMINATION OF TENANCY

798.55 LEGISLATIVE INTENT; TERMINATION FOR CAUSE; 60-DAY NOTICE

(a) The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.

(b) (1) The management may not terminate or refuse to renew a tenancy, except for a reason specified in this article and upon the giving of written notice to the homeowner, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to sell or remove**,** at the homeowner's election, the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, as defined in Section 18005.8 of the Health and Safety Code, each junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, and the registered owner of the mobilehome, if other than the homeowner, by United States mail within 10 days after notice to the homeowner. The copy may be sent by regular mail or by certified or registered mail with return receipt requested, at the option of the management.

(2) The homeowner shall pay past due rent and utilities upon the sale of a mobilehome pursuant to paragraph (1).

(c) If the homeowner has not paid the rent due within three days after notice to the homeowner, and if the first notice was not sent by certified or registered mail with return receipt requested, a copy of the notice shall again be sent to the legal owner, each junior lienholder, and the registered owner, if other than the homeowner, by certified or registered mail with return receipt requested within 10 days after notice to the homeowner. Copies of the notice shall be addressed to the legal owner, each junior lienholder, and the registered owner at their addresses, as set forth in the registration card specified in Section 18091.5 of the Health and Safety Code.

(d) If management obtains a court judgment against a homeowner or resident, the cost incurred by management in obtaining a title search for the purpose of complying with the notice requirements of this section shall be recoverable as a cost of suit.

(e) The resident of a mobilehome that remains in the mobilehome park after service of the notice to sell or remove the mobilehome shall continue to be subject to this chapter and the rules and regulations of the park, including rules regarding maintenance of the space.

(f) No lawful act by the management to enforce this chapter or the rules and regulations of the park may be deemed or construed to waive or otherwise affect the notice to remove the mobilehome.

(Amended by Stats. 2005, Chap. 24 (SB 125, Dutton), eff. 1/1/2006)

The following intent language appears in Section 4 of AB 682 (Chap. 561, Stat. 2003) but not in this code:
"This act is not intended to affect park management's existing rights and remedies to recover unpaid rent, utility charges, or

reasonable incidental charges, and may not be construed to provide for an exclusive remedy."

798.56 SEVEN AUTHORIZED REASONS FOR TERMINATION OF TENANCY

A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of noncompliance from the appropriate governmental agency.

(b) Conduct by the homeowner or resident, upon the park premises, that constitutes a substantial annoyance to other homeowners or residents.

(c) (1) Conviction of the homeowner or resident for prostitution, for a violation of subdivision (d) of Section 243, paragraph (2) of subdivision (a), or subdivision (b), of Section 245, Section 288, or Section 451, of the Penal Code, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

(2) However the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

(d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on three or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

(e) (1) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided that the homeowner shall be given a three-day written notice subsequent to that five-day period to pay the amount due or to vacate the tenancy. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day written notice shall be given to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy. A three-day notice given pursuant to this subdivision shall contain the following provisions printed in at least 12-point boldface type at the top of the notice, with the appropriate number written in the blank:

> "Warning: This notice is the [insert number] three-day notice for nonpayment of rent, utility charges, or other reasonable incidental services that has been served upon you in the last 12 months. Pursuant to Civil Code Section 798.56(e)(5), if you have been given a three-day notice to either pay rent, utility charges, or other reasonable incidental services or to vacate your tenancy on three or more occasions within a 12-month period, management is not required to give you a further three-day period to pay rent or vacate the tenancy before your tenancy can be terminated."

(2) Payment by the homeowner prior to the expiration of the three-day notice period shall cure a default under this subdivision. If the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health & Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.

(5) If a homeowner has been given a three-day notice to pay the amount due or to vacate the tenancy on three or

more occasions within the preceding 12-month period and each notice includes the provisions specified in paragraph (1), no written three-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event, the management shall give written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of Section 798.55, by certified or registered mail, return receipt requested, within 10 days after notice is sent to the homeowner.

(6) When a copy of the 60 days' notice described in paragraph (5) is sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, the default may be cured by any of them on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice, if all of the following conditions exist:

(A) A copy of a three-day notice sent pursuant to subdivision (b) of Section 798.55 to a homeowner for the nonpayment of rent, utility charges, or reasonable incidental service charges was not sent to the legal owner, junior lienholder, or registered owner, of the mobilehome, if other than the homeowner, during the preceding 12-month period.

(B) The legal owner, junior lienholder, or registered owner of the mobilehome, if other than the homeowner, has not previously cured a default of the homeowner during the preceding 12-month period.

(C) The legal owner, junior lienholder or registered owner, if other than the homeowner, is not a financial institution or mobilehome dealer.

If the default is cured by the legal owner, junior lienholder, or registered owner within the 30-day period, the notice to remove the mobilehome from the park described in paragraph (5) shall be rescinded.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

(1) The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.

(2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed homeowner written notice thereof prior to the inception of his or her tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.56 and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, that conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

(h) The report required pursuant to subdivisions (b) and (i) of Section 65863.7 of the Government Code shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this section.

(i) For purposes of this section, "financial institution" means a state or national bank, state or federal savings and loan association or credit union, or similar organization, and mobilehome dealer as defined in Section 18002.6 of the Health and Safety Code or any other organization that, as part of its usual course of business, originates, owns, or provides loan servicing for loans secured by a mobilehome.

(Amended by Stats. 2003, Chap. 85 (AB 805, Diaz) and Chap. 388 (AB 767, Nakano), eff. 1/1/2004)

798.56a NOTICE REQUIREMENT OF LEGAL OWNER/JUNIOR LIENHOLDER

(a) Within 60 days after receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy pursuant to any reason provided in Section 798.56, the legal owner, if any, and each junior lienholder, if any, shall notify the management in writing of at least one of the following:

(1) Its offer to sell the obligation secured by the mobilehome to the management for the amount specified in its

written offer. In that event, the management shall have 15 days following receipt of the offer to accept or reject the offer in writing. If the offer is rejected, the person or entity that made the offer shall have 10 days in which to exercise one of the other options contained in this section and shall notify management in writing of its choice.

(2) Its intention to foreclose on its security interest in the mobilehome.

(3) Its request that management pursue termination of tenancy against the homeowner and its offer to reimburse management for the reasonable attorney's fees and court costs incurred by the management in that action. If this request and offer are made, the legal owner, if any, or junior lienholder, if any, shall reimburse the management the amount of reasonable attorney's fees and court costs, as agreed upon by the management and the legal owner or junior lienholder, incurred by the management in an action to terminate the homeowner's tenancy, on or before the earlier of (A) the 60th calendar day following receipt of written notice from the management of the aggregate amount of those reasonable attorney's fees and costs or (B) the date the mobilehome is resold.

(b) A legal owner, if any, or junior lienholder, if any, may sell the mobilehome within the park to a third party and keep the mobilehome on the site within the mobilehome park until it is resold only if all of the following requirements are met:

(1) The legal owner, if any, or junior lienholder, if any, notifies management in writing of the intention to exercise either option described in paragraph (2) or (3) of subdivision (a) within 60 days following receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy and satisfies all of the responsibilities and liabilities of the homeowner owing to the management for the 90 days preceding the mailing of the notice of termination of tenancy and then continues to satisfy these responsibilities and liabilities as they accrue from the date of the mailing of that notice until the date the mobilehome is resold.

(2) Within 60 days following receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy, the legal owner or junior lienholder commences all repairs and necessary corrective actions so that the mobilehome complies with park rules and regulations in existence at the time the notice of termination of tenancy was given as well as the health and safety standards specified in Sections 18550, 18552, and 18605 of the Health and Safety Code, and completes these repairs and corrective actions within 90 calendar days of that notice, or before the date that the mobilehome is sold, whichever is earlier.

(3) The legal owner, if any, or junior lienholder, if any, complies with the requirements of Article 7 (commencing with Section 798.70) as it relates to the transfer of the mobilehome to a third party.

(c) For purposes of subdivision (b), the "homeowner's responsibilities and liabilities" means all rents, utilities, reasonable maintenance charges of the mobilehome and its premises, and reasonable maintenance of the mobilehome and its premises pursuant to existing park rules and regulations.

(d) If the homeowner files for bankruptcy, the periods set forth in this section are tolled until the mobilehome is released from bankruptcy.

(e) ***(1)*** Notwithstanding any other provision of law, including, but not limited to, Section 18099.5 of the Health and Safety Code, if neither the legal owner nor a junior lienholder notifies the management of its decision pursuant to subdivision (a) within the period allowed, or performs as agreed within 30 days, or if a registered owner of a mobilehome, that is not encumbered by a lien held by a legal owner or a junior lienholder, fails to comply with a notice of termination and is either legally evicted or vacates the premises, the management may either remove the mobilehome from the premises and place it in storage or store it on its site. In this case, notwithstanding any other provision of law, the management shall have a warehouse lien in accordance with Section 7209 of the Commercial Code against the mobilehome for the costs of dismantling and moving, if appropriate, as well as storage, that shall be superior to all other liens, except the lien provided for in Section 18116.1 of the Health and Safety Code, and may enforce the lien pursuant to Section 7210 of the Commercial Code either after the date of judgment in an unlawful detainer action or after the date the mobilehome is physically vacated by the resident, whichever occurs earlier. Upon completion of any sale to enforce the warehouse lien in accordance with Section 7210 of the Commercial Code, the management shall provide the purchaser at the sale with evidence of the sale, as shall be specified by the Department of Housing and Community Development, that shall, upon proper request by the purchaser of the mobilehome, register title to the mobilehome to this purchaser, whether or not there existed a legal owner or junior lienholder on this title to the mobilehome.

(2) (A) Notwithstanding any other law, if the management of a mobilehome park acquires a mobilehome after enforcing the warehouse lien and files a notice of disposal pursuant to subparagraph (B) with the Department of Housing and Community Development to designate the mobilehome for disposal, management or any other person enforcing this warehouse lien shall not be required to pay past or current vehicle license fees required by Section 18115 of the Health and Safety Code or obtain a tax

clearance certificate, as set forth in Section 5832 of the Revenue and Taxation Code, provided that management notifies the county tax collector in the county in which the mobilehome is located of management's intent to apply to have the mobilehome designated for disposal after a warehouse lien sale. The written notice shall be sent to the county tax collector no less than 10 days after the date of the sale to enforce the lien against the mobilehome by first class mail, postage prepaid.

(B) (i) In order to dispose of a mobilehome after a warehouse lien sale, the management shall file a notice of disposal with the Department of Housing and Community Development in the form and manner as prescribed by the department, no less than 10 days after the date of sale to enforce the lien against the mobilehome.

(ii) After filing a notice of disposal pursuant to clause (i), the management may dispose of the mobilehome after obtaining the information required by applicable laws.

(C) (i) Within 30 days of the date of the disposal of the mobilehome, the management shall submit to the Department of Housing and Community Development all of the following information required for completing the disposal process:

(I) Photographs identifying and demonstrating that the mobilehome was uninhabitable by the removal or destruction of all appliances and fixtures such as ovens, stoves, bathroom fixtures, and heating or cooling appliances prior to its being moved.

(II) A statement of facts as to the condition of the mobilehome when moved, the date it was moved, and the anticipated site of further dismantling or disposal.

(III) The name, address, and license number of the person or entity removing the mobilehome from the mobilehome park.

(ii) The information required pursuant to clause (i) shall be submitted under penalty of perjury.

(D) For purposes of this paragraph, "dispose" or "disposal" shall mean the removal and destruction of an abandoned mobilehome from a mobilehome park, thus making it unusable for any purpose and not subject to, or eligible for, use in the future as a mobilehome.

(f) All written notices required by this section***, except the notice in paragraph (2) of subdivision (e),*** shall be sent to the other party by certified or registered mail with return receipt requested.

(g) Satisfaction, pursuant to this section, of the homeowner's accrued or accruing responsibilities and liabilities shall not cure the default of the homeowner.

(Amended by Stats. 2015, Chap. 376 (AB 999, Daly), eff. 1/1/2016)

798.57 STATEMENT OF REASONS IN NOTICE

The management shall set forth in a notice of termination, the reason relied upon for the termination with specific facts to permit determination of the date, place, witnesses, and circumstances concerning that reason. Neither reference to the section number or a subdivision thereof, nor a recital of the language of this article will constitute compliance with this section.

(Enacted by Stats. 1978, Chap. 1031 (SB 2119, Mills), eff. 1/1/1979)

798.58 NO TERMINATION TO MAKE SPACE FOR PARK OWNER'S BUYER

Tenancy may only be terminated for reasons contained in Section 798.56, and a tenancy may not be terminated for the purpose of making a homeowner's site available for a person who purchased or proposes to purchase, or rents or proposes to rent, a mobilehome from the owner of the park or the owner's agent.

(Amended by Stats. 2002, Chap. 672 (SB 1410, Chesbro), eff. 1/1/2003)

798.59 60-DAY NOTICE BY RESIDENT OF TERMINATION

A homeowner shall give written notice to the management of not less than 60 days before vacating his or her tenancy.

(Amended by Stats. 1982, Chap. 1397 (AB 2429, Cortese), eff. 1/1/1983)

798.60 APPLICATION OF OTHER UNLAWFUL DETAINER LAWS

The provisions of this article shall not affect any rights or proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure except as otherwise provided herein.

(Amended by Stats. 1978, Chap. 1033 (SB 2120, Mills), eff. 1/1/1979)

798.61 ABANDONED MOBILEHOMES - PROCEDURES

(a) (1) As used in this section, "abandoned mobilehome" means a mobilehome about which all of the following are true:

(A) It is located in a mobilehome park on a site for which no rent has been paid to the management for the preceding 60 days.
(B) It is unoccupied.
(C) A reasonable person would believe it to be abandoned.
(D) It is not permanently affixed to the land.

(2) ~~For purposes of~~ ***As used*** in this section:
(A) "Mobilehome" shall include a trailer coach, as defined in Section 635 of the Vehicle Code, or a recreational vehicle, as defined in Section 18010 of the Health and Safety Code, if the trailer coach or recreational vehicle also satisfies the requirements of paragraph (1), including being located on any site within a mobilehome park, even if the site is in a separate designated section pursuant to Section 18215 of the Health and Safety Code.
(B) "Abandoned mobilehome" shall include a mobilehome that is uninhabitable because of its total or partial destruction which cannot be rehabilitated, if the mobilehome also satisfies the requirements of paragraph (1).
(C) "Dispose" or "disposal" shall mean the removal and destruction of an abandoned mobilehome from a mobilehome park, thus making it unusable for any purpose and not subject to, or eligible for, use in the future as a mobilehome.

(b) After determining a mobilehome in a mobilehome park to be an abandoned mobilehome, the management shall post a notice of belief of abandonment on the mobilehome for not less than 30 days, and shall deposit copies of the notice in the United States mail, postage prepaid, addressed to the homeowner at the last known address and to any known registered owner, if different from the homeowner, and to any known holder of a security interest in the abandoned mobilehome. This notice shall be mailed by registered or certified mail with a return receipt requested.

(c) ***(1)*** Thirty or more days following posting pursuant to subdivision (b), the management may file a petition in the superior court in the county in which the mobilehome park is located, for a judicial declaration of abandonment of the mobilehome. A proceeding under this subdivision is a limited civil case. Copies of the petition shall be served upon the homeowner, any known registered owner, and any known person having a lien or security interest of record in the mobilehome by posting a copy on the mobilehome and mailing copies to those persons at their last known addresses by registered or certified mail with a return receipt requested in the United States mail, postage prepaid.
(2) To dispose of an abandoned mobilehome pursuant to subdivision (f), the management shall also do all of the following:
(A) Declare in the petition that the management will dispose of the abandoned mobilehome, and therefore will not seek a tax clearance certificate as set forth in Section 5832 of the Revenue and Taxation Code.
(B) Declare in the petition whether the management intends to sell the contents of the abandoned mobilehome before its disposal.
(C) Notify the county tax collector in the county in which the mobilehome park is located of the declaration that management will dispose of the abandoned mobilehome by sending a copy of the petition by first class mail.
(D) Declare in the petition that management intends to file a notice of disposal with the Department of Housing and Community Development and complete the disposal process consistent with the requirements of subdivision (f).

(d) (1) Hearing on the petition shall be given precedence over other matters on the court's calendar.
(2) If, at the hearing, the petitioner shows by a preponderance of the evidence that the criteria for an abandoned mobilehome has been satisfied and no party establishes an interest therein at the hearing ***and tenders all past due rent and other charges,*** the court shall enter a judgment of abandonment, determine the amount of charges to which the petitioner is entitled, and award attorney's fees and costs to the petitioner. For purposes of this subdivision, an interest in the mobilehome shall be established by evidence of a right to possession of the mobilehome or a security or ownership interest in the mobilehome.
(3) A default may be entered by the court clerk upon request of the petitioner, and a default judgment shall be thereupon entered, if no responsive pleading is filed within 15 days after service of the petition by mail.

(e) ***To sell an abandoned mobilehome, the management shall do all of the following:***
(1) ***(A)*** Within 10 days following a judgment of abandonment, the management shall enter the abandoned mobilehome and complete an inventory of the contents and submit the inventory to the court.
~~(2)~~ ***(B)*** During this period the management shall post and mail notice of intent to sell the abandoned mobilehome

and its contents under this section, and announcing the date of sale, in the same manner as provided for the notice of determination of abandonment under subdivision (b). ***The management shall also provide notice to the county tax collector in the county in which the mobilehome park is located.***

~~(3)~~ ***(C)*** At any time prior to the sale of ~~a~~ ***an abandoned*** mobilehome ***or its contents*** under this section, any person having a right to possession of the ***abandoned*** mobilehome may recover and remove it from the premises upon payment to the management of all rent or other charges due, including reasonable costs of storage and other costs awarded by the court. Upon receipt of this payment and removal of the ***abandoned*** mobilehome from the premises pursuant to this paragraph, the management shall immediately file an acknowledgment of satisfaction of judgment pursuant to Section 724.030 of the Code of Civil Procedure.

~~(f)~~ ***(2)*** Following the judgment of abandonment, but not less than 10 days following the notice of sale specified in ~~subdivision (e)~~ ***paragraph (1)***, the management may conduct a public sale of the abandoned mobilehome~~, and~~ its contents***, or both***. The management may bid at the sale and shall have the right to offset its bids to the extent of the total amount due it under this section. The proceeds of the sale shall be retained by the management, but any unclaimed amount thus retained over and above the amount to which the management is entitled under this section shall be deemed abandoned property and shall be paid into the treasury of the county in which the sale took place within 30 days of the date of the sale. The former homeowner or any other owner may claim any or all of that unclaimed amount within one year from the date of payment to the county by making application to the county treasurer or other official designated by the county. If the county pays any or all of that unclaimed amount to a claimant, neither the county nor any officer or employee of the county is liable to any other claimant as to the amount paid.

~~(g)~~ ***(3)*** Within 30 days of the date of the sale, the management shall submit to the court an accounting of the moneys received from the sale and the disposition of the money and the items contained in the inventory submitted to the court pursuant to ~~subdivision (e)~~ ***paragraph (1)***.

~~(h)~~ ***(4)*** The management shall provide the purchaser at the sale ***of an abandoned mobilehome*** with a copy of the judgment of abandonment and evidence of the sale, as shall be specified by the ~~State~~ Department of Housing and Community Development ~~or the Department of Motor Vehicles~~, which shall register title in the abandoned mobilehome to the purchaser upon presentation thereof ***within 20 days of purchase***. The sale shall pass title to the purchaser free of any prior interest, including any security interest or lien, except the lien provided for in Section 18116.1 of the Health & Safety Code, in the abandoned mobilehome.

(f) To dispose of an abandoned mobilehome, the management shall do all of the following:

(1) (A) Within 10 days following a judgment of abandonment, the management shall enter the abandoned mobilehome and complete an inventory of the contents and submit the inventory to the court.

(B) During this period the management shall post and mail a notice of intent to dispose of the abandoned mobilehome and its contents under this section, and announcing the date of disposal, in the same manner as provided for the notice of determination of abandonment under subdivision (b). The management shall also provide notice to the county tax collector in the county in which the mobilehome park is located.

(C) (i) The management shall file a notice of disposal with the Department of Housing and Community Development in the form and manner as prescribed by the department.

(ii) Notwithstanding any other law, when filing a notice of disposal pursuant to clause (i), the management shall not be required to pay past or current vehicle license fees required by Section 18115 of the Health and Safety Code or obtain a tax clearance certificated as set forth in Section 5832 of the Revenue and Taxation Code, provided that the management notifies the county tax collector in the county in which the mobilehome is located of the management's intent to apply to have the mobilehome designated for disposal pursuant to this subdivision. The written notice shall be sent to the county tax collector no less than 10 days after the date of the abandonment judgment by first class mail, postage prepaid.

(D) At any time prior to the disposal of an abandoned mobilehome or its contents under this section, any person having a right to possession of the abandoned mobilehome may recover and remove it from the premises upon payment to the management of all rent or other charges due, including reasonable costs of storage and other costs awarded by the court. Upon receipt of this payment and removal of the abandoned mobilehome from the premises pursuant to this subparagraph, the management shall immediately file an acknowledgment of satisfaction of judgment pursuant to Section 724.030 of the Code of Civil Procedure and a cancellation of the notice of disposal with the Department of Housing and Community Development.

(2) Following the judgment of abandonment and approval of the notice of disposal by the Department of Housing

and Community Development, but not less than 10 days following the notice of disposal specified in paragraph (1), the management may dispose of the abandoned mobilehome after obtaining the information required in subparagraph (A) of paragraph (3).

(3) (A) Within 30 days of the date of the disposal of an abandoned mobilehome and its contents, the management shall do both of the following:

(i) Submit to the court and the county tax collector in the county in which the mobilehome park is located a statement that the abandoned mobilehome and its contents were disposed with supporting documentation.

(ii) (I) Submit to the Department of Housing and Community Development all of the following information required for completing the disposal process:

(ia) Photographs identifying and demonstrating that the mobilehome was uninhabitable by the removal or destruction of all appliances and fixtures such as ovens, stoves, bathroom fixtures, and heating or cooling appliances prior to its being moved.

(ib) A statement of facts as to the condition of the mobilehome when moved, the date it was moved, and the anticipated site of further dismantling or disposal.

(ic) The name, address, and license number of the person or entity removing the mobilehome from the mobilehome park.

(II) The information required pursuant to subclause (I) shall be submitted under penalty of perjury.

(B) Within 30 days of the date of the disposal of an abandoned mobilehome or the date of the sale of its contents, whichever date is later, the management shall submit to the court and the county tax collector in the county in which the mobilehome park is located an accounting of the moneys received from the sale and the disposition of the money and the items contained in the inventory submitted to the court pursuant to paragraph (1) and a statement that the abandoned mobilehome was disposed with supporting documentation.

(g) Notwithstanding any other law, the management shall not be required to obtain a tax clearance certificate, as set forth in Section 5832 of the Revenue and Taxation Code, to dispose of an abandoned mobilehome and its contents pursuant to subdivision (f). However, any sale pursuant to this section shall be subject to the registration requirements of Section 18100.5 of the Health and Safety Code and the tax clearance certificate requirements of Section 18092.7 of the Health and Safety Code.

(Amended by Stats. 2015, Chap. 376 (AB 999, Daly), eff. 1/1/2016)

ARTICLE 7 - TRANSFER OF MOBILEHOME OR MOBILEHOME PARK

798.70 (Sec. 1) "FOR SALE" SIGNS

(a) A homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person, may advertise the sale or exchange of his or her mobilehome, or, if not prohibited by the terms of an agreement with the management, may advertise the rental of his or her mobilehome, by displaying a sign in the window of the mobilehome, or by a sign posted on the side of the mobilehome facing the street, or by a sign in front of the mobilehome facing the street, stating that the mobilehome is for sale or exchange or, if not prohibited, for rent by the owner of the mobilehome or his or her agent. Any such person also may display a sign conforming to these requirements indicating that the mobilehome is on display for an "open house," unless the park rules prohibit the display of an open house sign. The sign shall state the name, address, and telephone number of the owner of the mobilehome or his or her agent and the sign face shall not exceed 24 inches in width and 36 inches in height. Signs posted in front of a mobilehome pursuant to this section may be of an H-frame or A-frame design with the sign face perpendicular to, but not extending into, the street. Homeowners may attach to the sign or their mobilehome tubes or holders for leaflets which provide information on the mobilehome for sale, exchange, or rent.

(b) This section shall remain in effect only until July 1, 2016, and as of that date is repealed.

(Amended by Chap. 288, Stats. of 2015 (SB 419, McGuire), eff. 1/1/2016)

798.70 (Sec. 2) "FOR SALE" SIGNS

(a) A homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person, may advertise the sale or exchange of his or her mobilehome, or, if not prohibited by the terms of an agreement with the management, may advertise the rental of his or her

mobilehome, by displaying one sign in the window of the mobilehome, or by one sign posted on the side of the mobilehome facing the street, or by one sign in front of the mobilehome facing the street, stating that the mobilehome is for sale or exchange or, if not prohibited, for rent by the owner of the mobilehome or his or her agent. Any such person also may display one sign conforming to these requirements indicating that the mobilehome is on display for an "open house," if allowed by the park. The park may allow open houses and may establish reasonable rules or regulations governing how an open house may be conducted, including rules regarding the number of houses allowed to be open at one time, hours, and parking. The sign shall state the name, address, and telephone number of the owner of the mobilehome or his or her agent and the sign face shall not exceed 24 inches in width and 36 inches in height. Signs posted in front of a mobilehome pursuant to this section may be of an H-frame, A-frame, L-frame, or generally accepted yard-arm type design with the sign face perpendicular to, but not extending into, the street. Management may require the use of a step-in L-frame sign. Homeowners may attach to the sign or their mobilehome tubes or holders for leaflets that provide information on the mobilehome for sale, exchange, or rent.

(b) This section shall become operative on July 1, 2016.

(Added by Chap. 288, Stats. of 2015 (SB 419, McGuire), eff. 7/1/2016)

798.71 (Sec. 1) MANAGEMENT SHOWING OR LISTING – PROHIBITIONS

(a) (1) The management shall not show or list for sale a manufactured home or mobilehome without first obtaining the owner's written authorization. The authorization shall specify the terms and conditions regarding the showing or listing.

(2) Management may require that a homeowner advise management in writing that his or her manufactured home or mobilehome is for sale. If management requires that a homeowner advise management in writing that his or her manufactured home or mobilehome is for sale, failure to comply with this requirement does not invalidate a transfer.

(b) The management shall prohibit neither the listing nor the sale of a manufactured home or mobilehome within the park by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a manufactured home or mobilehome in the mobilehome park through the death of the owner of the manufactured home or mobilehome who was a homeowner at the time of his or her death, or the agent of any such person other than the management.

(c) The management shall not require the selling homeowner, or an heir, joint tenant, or personal representative of the estate who gains ownership of a manufactured home or mobilehome in the mobilehome park through the death of the owner of the manufactured home or mobilehome who was a homeowner at the time of his or her death, to authorize the management or any other specified broker, dealer, or person to act as the agent in the sale of a manufactured home or mobilehome as a condition of resale of the home in the park or of management's approval of the buyer or prospective homeowner for residency in the park.

(d) The management shall not require a homeowner, who is replacing a mobilehome or manufactured home on a space in the park, in which he or she resides, to use a specific broker, dealer, or other person as an agent in the purchase of or installation of the replacement home.

(e) Nothing in this section shall be construed as affecting the provisions of the Health and Safety Code governing the licensing of manufactured home or mobilehome salespersons or dealers.

(f) This section shall remain in effect until July 1, 2016, and as of that date is repealed.

(Amended by Chap. 288, Stats. 2015, (SB 419, McGuire), eff. 1/1/2015)

798.71 (Sec. 2) MANAGEMENT SHOWING OR LISTING – PROHIBITIONS

(a) (1) The management may not show or list for sale a manufactured home or mobilehome without first obtaining the owner's written authorization. The authorization shall specify the terms and conditions regarding the showing or listing.

(2) Management may require that a homeowner advise management in writing that his or her manufactured home or mobilehome is for sale. If management requires that a homeowner advise management in writing that his or her manufactured home or mobilehome is for sale, failure to comply with this requirement does not invalidate a transfer.

(b) The management shall prohibit neither the listing nor the sale of a manufactured home or mobilehome within the park by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a manufactured home or mobilehome in the mobilehome park through the death of the owner of the manufactured home or mobilehome who was a homeowner at the time of his or her death, or the agent of any such person other

than the management. For purposes of this section, "listing" includes advertising the address of the home to the general public.

(c) The management shall not require the selling homeowner, or an heir, joint tenant, or personal representative of the estate who gains ownership of a manufactured home or mobilehome in the mobilehome park through the death of the owner of the manufactured home or mobilehome who was a homeowner at the time of his or her death, to authorize the management or any other specified broker, dealer, or person to act as the agent in the sale of a manufactured home or mobilehome as a condition of resale of the home in the park or of management's approval of the buyer or prospective homeowner for residency in the park.

(d) The management shall not require a homeowner, who is replacing a mobilehome or manufactured home on a space in the park, in which he or she resides, to use a specific broker, dealer, or other person as an agent in the purchase of or installation of the replacement home.

(e) Nothing in this section shall be construed as affecting the provisions of the Health and Safety Code governing the licensing of manufactured home or mobilehome salespersons or dealers.

(f) This section shall become operative on July 1, 2016.

(Added by Chap. 288, Stats. 2015 (SB 419; McGuire), eff. 7/1/2016)

798.72 NO TRANSFER OR SELLING FEE

(a) The management shall not charge a homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person a transfer or selling fee as a condition of a sale of his mobilehome within a park unless the management performs a service in the sale. The management shall not perform any such service in connection with the sale unless so requested, in writing, by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person.

(b) The management shall not charge a prospective homeowner or his or her agent, upon purchase of a mobilehome, a fee as a condition of approval for residency in a park unless the management performs a specific service in the sale. The management shall not impose a fee, other than for a credit check in accordance with subdivision (b) of Section 798.74, for an interview of a prospective homeowner.

(Amended by Stats. 1989, Chap. 745 (AB 1914, N.Waters), eff. 1/1/1990)

798.73 REMOVAL OF MOBILEHOME UPON SALE TO THIRD PARTY

The management shall not require the removal of a mobilehome from the park in the event of the sale of the mobilehome to a third party during the term of the homeowner's rental agreement or in the 60 days following the initial notice required by paragraph (1) of subdivision (b) of Section 798.55. However, in the event of a sale to a third party, in order to upgrade the quality of the park, the management may require that a mobilehome be removed from the park where:

(a) It is not a "mobilehome" within the meaning of Section 798.3.

(b) It is more than 20 years old, or more than 25 years old if manufactured after September 15, 1971, and is 20 feet wide or more, and the mobilehome does not comply with the health and safety standards provided in Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(c) The mobilehome is more than 17 years old, or more than 25 years old if manufactured after September 15, 1971, and is less than 20 feet wide, and the mobilehome does not comply with the construction and safety standards under Sections 18550, 18552, and 18605 of the Health and Safety Code and the regulations established thereunder, as determined following an inspection by the appropriate enforcement agency, as defined in Section 18207 of the Health and Safety Code.

(d) It is in a significantly rundown condition or in disrepair, as determined by the general condition of the mobilehome and its acceptability to the health and safety of the occupants and to the public, exclusive of its age. The management shall use reasonable discretion in determining the general condition of the mobilehome and its accessory structures. The management shall bear the burden of demonstrating that the mobilehome is in a significantly rundown condition or in disrepair. The management of the park may not require repairs or improvements to the park space or property owned by the management, except for damage caused by the actions or negligence of the homeowner or an agent of the homeowner.

(e) The management shall not require a mobilehome to be removed from the park, pursuant to this section, unless the management has provided to the homeowner notice particularly specifying the condition that permits the removal of the mobilehome.

(Amended by Stats. 2008, Chap. 179 (SB 1498, Committee on Judiciary), eff. 1/1/2009)

The following intent language appears in Section 3 of AB 682 (Chap. 561, Stat. 2004) but not in this code:
"This act is not intended to provide the purchaser of a mobilehome a right to a tenancy in a mobilehome park when the selling tenant has had his or her tenancy terminated pursuant to subdivision (f) or (g) of Section 798.56 of the Civil Code."
The following intent language appears in Section 4 of AB 682 (Chap. 561, Stat. 2004) but not in this code:
"This act is not intended to affect park management's existing rights and remedies to recover unpaid rent, utility charges, or reasonable incidental charges, and may not be construed to provide for an exclusive remedy."

798.73.5 HOME UPGRADES ON RESALE

(a) In the case of a sale or transfer of a mobilehome that will remain in the park, the management may only require repairs or improvements to the mobilehome, its appurtenances, or an accessory structure that meet all of the following conditions:
   (1) Except as provided by Section 798.83, the repair or improvement is to the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management.
   (2) The repair or improvement is based upon or is required by a local ordinance or state statute or regulation relating to mobilehomes, or a rule or regulation of the mobilehome park that implements or enforces a local ordinance or a state statute or regulation relating to mobilehomes.
   (3) The repair or improvement relates to the exterior of the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management.

(b) The management, in the case of sale or transfer of a mobilehome that will remain in the park, shall provide a homeowner with a written summary of repairs or improvements that management requires to the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management no later than 10 business days following the receipt of a request for this information, as part of the notice required by Section 798.59. This summary shall include specific references to park rules and regulations, local ordinances, and state statutes and regulations relating to mobilehomes upon which the request for repair or improvement is based.

(c) The provisions of this section enacted at the 1999–2000 Regular Session of the Legislature are declarative of existing law as they pertain to allowing park management to enforce park rules and regulations; these provisions specifically limit repairs and improvements that can be required of a homeowner by park management at the time of sale or transfer to the same repairs and improvements that can be required during any other time of a residency.

(Added by Stats. 2000, Chap. 554 (AB 2239, Corbett), eff. 1/1/2001)

798.74 (Sec. 1) MANAGEMENT APPROVAL OF BUYER; CREDIT RATING REFUND

(a) The management may require the right of prior approval of a purchaser of a mobilehome that will remain in the park and that the selling homeowner or his or her agent give notice of the sale to the management before the close of the sale. Approval cannot be withheld if the purchaser has the financial ability to pay the rent and charges of the park unless the management reasonably determines that, based on the purchaser's prior tenancies, he or she will not comply with the rules and regulations of the park. In determining whether the purchaser has the financial ability to pay the rent and charges of the park, the management shall not require the purchaser to submit copies of any personal income tax returns in order to obtain approval for residency in the park. However, management may require the purchaser to document the amount and source of his or her gross monthly income or means of financial support.

Upon request of any prospective homeowner who proposes to purchase a mobilehome that will remain in the park, management shall inform that person of the information management will require in order to determine if the person will be acceptable as a homeowner in the park.

Within 15 business days of receiving all of the information requested from the prospective homeowner, the management shall notify the seller and the prospective homeowner, in writing, of either acceptance or rejection of the application, and the reason if rejected. During this 15-day period the prospective homeowner shall comply with the management's request, if any, for a personal interview. If the approval of a prospective homeowner is withheld for any reason other than those stated in this article, the management or owner may be held liable for all damages proximately resulting therefrom.

(b) If the management collects a fee or charge from a prospective purchaser of a mobilehome in order to obtain a financial report or credit rating, the full amount of the fee or charge shall be credited toward payment of the first month's rent for that mobilehome purchaser. If, for whatever reason, the prospective purchaser is rejected by the management, the management shall refund to the prospective purchaser the full amount of that fee or charge within 30 days from the date of rejection. If the prospective purchaser is approved by the management, but, for whatever reason, the prospective purchaser elects not to purchase the mobilehome, the management may retain the fee or a portion thereof, to defray its administrative costs under this section.

(c) This section shall remain in effect only until July 1, 2016, and as of that date is repealed.

(Amended by Stats. 2015, Chap. 288 (SB 419, McGuire), eff. 1/1/2015)

798.74 (Sec. 2) MANAGEMENT APPROVAL OF BUYER; CREDIT RATING REFUND

(a) The management may require the right of prior approval of a purchaser of a mobilehome that will remain in the park and that the selling homeowner or his or her agent give notice of the sale to the management before the close of the sale. Approval cannot be withheld if the purchaser has the financial ability to pay the rent and charges of the park unless the management reasonably determines that, based on the purchaser's prior tenancies, he or she will not comply with the rules and regulations of the park. In determining whether the purchaser has the financial ability to pay the rent and charges of the park, the management shall not require the purchaser to submit copies of any personal income tax returns in order to obtain approval for residency in the park. However, management may require the purchaser to document the amount and source of his or her gross monthly income or means of financial support.

Upon written request of any selling homeowner or prospective homeowner who proposes to purchase a mobilehome that will remain in the park, management shall inform that person, in writing, of the information management will require and the standards that will be utilized in determining if the person will be acceptable as a homeowner in the park.

Within 15 business days of receiving all of the information requested from the prospective homeowner, the management shall notify the seller and the prospective homeowner, in writing, of either acceptance or rejection of the application, and the reason if rejected. During this 15-day period the prospective homeowner shall comply with the management's request, if any, for a personal interview. If the approval of a prospective homeowner is withheld for any reason other than either of the following, the management or owner may be held liable for all damages proximately resulting therefrom:

(1) Reasons stated in this article.

(2) Reasons based upon fraud, deceit, or concealment of material facts by the prospective purchaser.

(b) If the management collects a fee or charge from a prospective purchaser of a mobilehome in order to obtain a financial report or credit rating, the full amount of the fee or charge shall be credited toward payment of the first month's rent for that mobilehome purchaser. If, for whatever reason, the prospective purchaser is rejected by the management, the management shall refund to the prospective purchaser the full amount of that fee or charge within 30 days from the date of rejection. If the prospective purchaser is approved by the management, but, for whatever reason, the prospective purchaser elects not to purchase the mobilehome, the management may retain the fee, or a portion thereof, to defray its administrative costs under this section.

(c) This section shall become operative on July 1, 2016.

(Added by Stat. 2015, Chap. 288 (SB 419, McGuire), eff. 7/1/2016)

798.74.4 MOBILEHOME RESALE DISCLOSURE TO NEW BUYER

The transfer or sale of a manufactured home or mobilehome in a mobilehome park is subject to the transfer disclosure requirements and provisions set forth in Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of the Civil Code. The requirements include, but are not limited to, the use of the Manufactured Home and Mobilehome Transfer Disclosure Statement set forth in Section 1102.6d of the Civil Code.

(Added by Stats. 2003, Chap. 249 (SB 116, Dunn), eff. 1/1/2004)

798.74.5 RENT DISCLOSURE TO PROSPECTIVE HOMEOWNERS

(a) Within two business days of receiving a request from a prospective homeowner for an application for residency for a specific space within a mobilehome park, if the management has been advised that the mobilehome occupying that space is for sale, the management shall give the prospective homeowner a separate document in at least 12-point type entitled ''INFORMATION FOR PROSPECTIVE HOMEOWNERS,'' which includes the following statements:

"As a prospective homeowner you are being provided with certain information you should know prior to applying for tenancy in a mobilehome park. This is not meant to be a complete list of information.

Owning a home in a mobilehome park incorporates the dual role of ''homeowner'' (the owner of the home) and park resident or tenant (also called a ''homeowner'' in the Mobilehome Residency Law). As a homeowner under the Mobilehome Residency Law, you will be responsible for paying the amount necessary to rent the space for your home, in addition to other fees and charges described below. You must also follow certain rules and regulations to reside in the park.

If you are approved for tenancy, and your tenancy commences within the next 30 days, your beginning monthly rent will be $_____ (must be completed by the management) for space number _____ (must be completed by the management). Additional information regarding future rent or fee increases may also be provided.

In addition to the monthly rent, you will be obligated to pay to the park the following additional fees and charges listed below. Other fees or charges may apply depending upon your specific requests. Metered utility charges are based on use.

_____

_____

(Management shall describe the fee or charge and a good faith estimate of each fee or charge.)

Some spaces are governed by an ordinance, rule, regulation, or initiative measure that limits or restricts rents in mobilehome parks. These laws are commonly known as "rent control." Prospective purchasers who do not occupy the mobilehome as their principal residence may be subject to rent levels which are not governed by these laws. (Civil Code Section 798.21) Long-term leases specify rent increases during the term of the lease. By signing a rental agreement or lease for a term of more than one year, you may be removing your rental space from a local rent control ordinance during the term, or any extension, of the lease if a local rent control ordinance is in effect for the area in which the space is located.

A fully executed lease or rental agreement, or a statement signed by the park's management and by you stating that you and the management have agreed to the terms and conditions of a rental agreement, is required to complete the sale or escrow process of the home. You have no rights to tenancy without a properly executed lease or agreement or that statement. (Civil Code Section 798.75)

If the management collects a fee or charge from you in order to obtain a financial report or credit rating, the full amount of the fee or charge will be either credited toward your first month's rent or, if you are rejected for any reason, refunded to you. However, if you are approved by management, but, for whatever reason, you elect not to purchase the mobilehome, the management may retain the fee to defray its administrative costs. (Civil Code Section 798.74)

We encourage you to request from management a copy of the lease or rental agreement, the park's rules and regulations, and a copy of the Mobilehome Residency Law. Upon request, park management will provide you a copy of each document. We urge you to read these documents before making the decision that you want to become a mobilehome park resident.

Dated: _____

Signature of Park Manager: _____

Acknowledge Receipt by Prospective Homeowner: _____

(b) Management shall provide a prospective homeowner, upon his or her request, with a copy of the rules and regulations of the park and with a copy of this chapter.

(Amended by Stats. 2012, Chap. 337 (AB 317, Calderon), eff. 10/1/2013)

798.75 RENTAL AGREEMENT REQUIRED FOR PARK OCCUPANCY

(a) An escrow, sale, or transfer agreement involving a mobilehome located in a park at the time of the sale, where the mobilehome is to remain in the park, shall contain a copy of either a fully executed rental agreement or a statement signed by the park's management and the prospective homeowner that the parties have agreed to the terms and conditions of a rental agreement.

(b) In the event the purchaser fails to execute the rental agreement, the purchaser shall not have any rights of tenancy.

(c) In the event that an occupant of a mobilehome has no rights of tenancy and is not otherwise entitled to occupy the mobilehome pursuant to this chapter, the occupant is considered an unlawful occupant if, after a demand is made for the surrender of the mobilehome park site, for a period of five days, the occupant refuses to surrender the site to the mobilehome park management. In the event the unlawful occupant fails to comply with the demand, the unlawful occupant shall be subject to the proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure.

(d) The occupant of the mobilehome shall not be considered an unlawful occupant and shall not be subject to the provisions of subdivision (c) if all of the following conditions are present:

(1) The occupant is the registered owner of the mobilehome.

(2) The management has determined that the occupant has the financial ability to pay the rent and charges of the park, will comply with the rules and regulations of the park, based on the occupant's prior tenancies, and will comply with this article.

(3) The management failed or refused to offer the occupant a rental agreement.

(Amended by Stats. 1990, Chap. 645 (SB 2340, Kopp), eff. 1/1/1991)

798.75.5 MOBILEHOME PARK DISCLOSURE FORM

(a) The management shall provide a prospective homeowner with a completed written disclosure form concerning the park described in subdivision (b) at least three days prior to execution of a rental agreement or statement signed by the park management and the prospective homeowner that the parties have agreed to the terms and conditions of the rental agreement. The management shall update the information on the disclosure form annually, or, in the event of a material change in the condition of the mobilehome park, at the time of the material change in that condition.

(b) The written disclosure form shall read as follows:

(see next page)

Mobilehome Park Rental Agreement Disclosure Form

THIS DISCLOSURE STATEMENT CONCERNS THE MOBILEHOME PARK KNOWN AS _____ LOCATED AT _____
(park name) (park address)
IN THE CITY OF _____ COUNTY _____,
STATE OF CALIFORNIA.
THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE PARK AND PARK COMMON AREAS AS OF (date) _____ IN COMPLIANCE WITH SECTION 798.75.5 OF THE CIVIL CODE.

IT IS NOT A WARRANTY OF ANY KIND BY THE MOBILEHOME PARK OWNER OR PARK MANAGEMENT AND IS NOT A SUBSTITUTE FOR ANY INSPECTION BY THE PROSPECTIVE HOMEOWNER/LESSEE OF THE SPACE TO BE RENTED OR LEASED OR OF THE PARK, INCLUDING ALL COMMON AREAS REFERENCED IN THIS STATEMENT. THIS STATEMENT DOES NOT CREATE ANY NEW DUTY OR NEW LIABILITY ON THE PART OF THE MOBILEHOME PARK OWNER OR MOBILEHOME PARK MANAGEMENT OR AFFECT ANY DUTIES THAT MAY HAVE EXISTED PRIOR TO THE ENACTMENT OF SECTION 798.75.5 OF THE CIVIL CODE, OTHER THAN THE DUTY TO DISCLOSE THE INFORMATION REQUIRED BY THE STATEMENT.

Are you (the mobilehome park owner/mobilehome park manager) aware of any of the following:

A. Park or common area facilities?	B. Does the park contain this facility?		C. Is the facility in operation?		D. Does the facility have any known substantial defects?		E. Are there any uncorrected park citations or notices of abatement relating to the facilities issued by a public agency?		F. Is there any substantial, uncorrected damage to the facility from fire, flood, earth-quake, or landslides?		G. Are there any pending lawsuits by or against the park affecting the facilities or alleging defects in the facilities?		H. Is there any encroachment, easement, non-conforming use, or violation of setback requirements regarding this park common area facility?	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Clubhouse														
Walkways														
Streets, roads and access														
Electric utility system														
Water utility system														
Gas utility System														
Common area lighting system														
Septic or sewer system														
Playground														
RV storage														
Parking areas														
Swimming pool														
Spa pool														
Laundry														
Other common area facilities*														

*If there are other important park or common area facilities, please specify (attach additional sheets if necessary):_____

_____

If any item in C is checked "no", or any item in D, E, F, G, or H is checked "yes", please explain (attach additional sheets if necessary): _____

_____

The mobilehome park owner/park manager states that the information herein has been delivered to the prospective homeowner/lessee a minimum of three days prior to execution of a rental agreement and is true and correct to the best of the park owner/park manager's knowledge as of the date signed by the park owner/manager.

Park Owner/Manager:_____ By:_____ Date:_____
print name signature

I/WE ACKNOWLEDGE RECEIPT OF A COMPLETED COPY OF THE PARK OWNER/MANAGER STATEMENT.
Prospective Homeowner
Lessee _____ Park Owner/Manager _____ Title _____
Date:_____

Prospective Homeowner
Lessee _____ Park Owner/Manager _____ Title _____
Date:_____

(Added by Stats 1999, Chap. 517 (SB 534, Dunn), eff. 1/1/2000)

798.76 SENIOR ONLY RESTRICTIONS

The management may require that a prospective purchaser comply with any rule or regulation limiting residency based on age requirements for housing for older persons, provided that the rule or regulation complies with the federal Fair Housing Amendments Act as amended by Public Law 104-76 and implementing regulations.

(Amended by Stats. 1996, Chap. 61 (SB 1585, Craven), eff. 6/10/1996)

798.77 NO WAIVER OF RIGHTS

No rental or sale agreement shall contain a provision by which the purchaser or homeowner waives his or her rights under this chapter. Any such waiver shall be deemed contrary to public policy and shall be void and unenforceable.

(Amended by Stats. 1983, Chap. 519 (AB 1052, Bader), eff. 1/1/1984)

798.78 RIGHTS OF HEIR OR JOINT TENANT OF OWNER

(a) An heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death shall have the right to sell the mobilehome to a third party in accordance with the provisions of this article, but only if all the homeowner's responsibilities and liabilities to the management regarding rent, utilities, and reasonable maintenance of the mobilehome and its premises which have arisen after the death of the homeowner have been satisfied as they have accrued pursuant to the rental agreement in effect at the time of the death of the homeowner up until the date the mobilehome is resold.

(b) In the event that the heir, joint tenant, or personal representative of the estate does not satisfy the requirements of subdivision (a) with respect to the satisfaction of the homeowner's responsibilities and liabilities to the management which accrue pursuant to the rental agreement in effect at the time of the death of the homeowner, the management shall have the right to require the removal of the mobilehome from the park.

(c) Prior to the sale of a mobilehome by an heir, joint tenant, or personal representative of the estate, that individual may replace the existing mobilehome with another mobilehome, either new or used, or repair the existing mobilehome so that the mobilehome to be sold complies with health and safety standards provided in Sections 18550, 18552, and 18605 of the Health and Safety Code, and the regulations established thereunder. In the event the mobilehome is to be replaced, the replacement mobilehome shall also meet current standards of the park as contained in the park's most recent written requirements issued to prospective homeowners.

(d) In the event the heir, joint tenant, or personal representative of the estate desires to establish a tenancy in the park, that individual shall comply with those provisions of this article which identify the requirements for a prospective purchaser of a mobilehome that remains in the park.

(Amended by Stats. 1989, Chap. 745 (AB 1914, N.Waters), eff. 1/1/1990)

798.79 REPOSSESSION OF MOBILEHOME; SALE TO THIRD PARTY

(a) Any legal owner or junior lienholder who forecloses on his or her security interest in a mobilehome located in a mobilehome park shall have the right to sell the mobilehome within the park to a third party in accordance with this article, but only if all the homeowner's responsibilities and liabilities to the management regarding rent, utilities, and reasonable maintenance of a mobilehome and its premises are satisfied by the foreclosing creditor as they accrue through the date the mobilehome is resold.

(b) In the event the legal owner or junior lienholder has received from the management a copy of the notice of termination of tenancy for nonpayment of rent or other charges, the foreclosing creditor's right to sell the mobilehome within the park to a third party shall also be governed by Section 798.56a.

(Amended by Stats. 1991, Chap. 190 (AB 600, Chacon), eff. 1/1/1992)

798.80 SALE OF PARK - NOTICE BY MANAGEMENT

(a) Not less than 30 days nor more than one year prior to an owner of a mobilehome park entering into a written listing

agreement with a licensed real estate broker, as defined in Article 1 (commencing with Section 10130) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, for the sale of the park, or offering to sell the park to any party, the owner shall provide written notice of his or her intention to sell the mobilehome park by first-class mail or by personal delivery to the president, secretary, and treasurer of any resident organization formed by homeowners in the mobilehome park as a nonprofit corporation, pursuant to Section 23701v of the Revenue & Taxation Code, stock cooperative corporation, or other entity for purposes of converting the mobilehome park to condominium or stock cooperative ownership interests and for purchasing the mobilehome park from the management of the mobilehome park. An offer to sell a park shall not be construed as an offer under this subdivision unless it is initiated by the park owner or agent.

(b) An owner of a mobilehome park shall not be required to comply with subdivision (a) unless the following conditions are met:
   (1) The resident organization has first furnished the park owner or park manager a written notice of the name and address of the president, secretary, and treasurer of the resident organization to whom the notice of sale shall be given.
   (2) The resident organization has first notified the park owner or manager in writing that the park residents are interested in purchasing the park. The initial notice by the resident organization shall be made prior to a written listing or offer to sell the park by the park owner, and the resident organization shall give subsequent notice once each year thereafter that the park residents are interested in purchasing the park.
   (3) The resident organization has furnished the park owner or park manager a written notice, within five days, of any change in the name or address of the officers of the resident organization to whom the notice of sale shall be given.

(c) Nothing in this section affects the validity of title to real property transferred in violation of this section, although a violation shall subject the seller to civil action pursuant to Article 8 (commencing with Section 798.84) by homeowner residents of the park or resident organization.

(d) Nothing in this section affects the ability of a licensed real estate broker, as defined in Article 1 (commencing with Section 10130) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, to collect a commission pursuant to an executed contract between the broker and the mobilehome park owner.

(e) Subdivision (a) does not apply to any of the following:
   (1) Any sale or other transfer by a park owner who is a natural person to any relation specified in Section 6401 or 6402 of the Probate Code.
   (2) Any transfer by gift, devise, or operation of law.
   (3) Any transfer by a corporation to an affiliate. As used in this paragraph, “affiliate” means any shareholder of the transferring corporation, any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation, or any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation.
   (4) Any transfer by a partnership to any of its partners.
   (5) Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a mobilehome park or any deed given in lieu of such a foreclosure.
   (6) Any sale or transfer between or among joint tenants or tenants in common owning a mobilehome park.
   (7) The purchase of a mobilehome park by a governmental entity under its powers of eminent domain.

(Amended by Stats. 1994, Chap. 219 (AB 1280, Craven), eff. 1/1/1995)

798.81 LISTING OR SALES - PROHIBITIONS

The management 1) shall not prohibit the listing or sale of a used mobilehome within the park by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person other than the management, 2) nor require the selling homeowner to authorize the management to act as the agent in the sale of a mobilehome as a condition of approval of the buyer or prospective homeowner for residency in the park.

(Amended by Stats. 1989, Chap. 745 (AB 1914, N.Waters), eff. 1/1/1990)

798.82 SCHOOL IMPACT FEE DISCLOSURE

The management, at the time of an application for residency, shall disclose in writing to any person who proposes to purchase or install a manufactured home or mobilehome on a space, on which the construction of the pad or foundation system commenced after September 1, 1986, and no other manufactured home or mobilehome was previously located,

installed, or occupied, that the manufactured home or mobilehome may be subject to a school facilities fee under Sections 53080 and 53080.4 of, and Chapter 4.9 (commencing with Section 65995) of Division 1 of Title 7 of the Government Code.

(Added by Stats. 1994, Chap. 983 (SB 1461, Craven), eff. 1/1/1995)

798.83 HOMEOWNER REPAIR OF THE SPACE

In the case of a sale or transfer of a mobilehome that will remain in the park, the management of the park shall not require repairs or improvements to the park space or property owned by the management, except for damage caused by the actions or negligence of the homeowner or an agent of the homeowner.

(Added by Stats. 1997, Chap. 367 (AB 672, Honda), eff. 1/1/1998)

ARTICLE 8 - ACTIONS, PROCEEDINGS, AND PENALTIES

798.84 NOTICE OF LAWSUIT FOR FAILURE TO MAINTAIN

(a) No action based upon the management's alleged failure to maintain the physical improvements in the common facilities in good working order or condition or alleged reduction of service may be commenced by a homeowner unless the management has been given at least 30 days' prior notice of the intention to commence the action.

(b) The notice shall be in writing, signed by the homeowner or homeowners making the allegations, and shall notify the management of the basis of the claim, the specific allegations, and the remedies requested. A notice by one homeowner shall be deemed to be sufficient notice of the specific allegation to the management of the park by all of the homeowners in the park.

(c) The notice may be served in the manner prescribed in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of the Code of Civil Procedure.

(d) For purposes of this section, management shall be deemed to be notified of an alleged failure to maintain the physical improvements in the common facilities in good working order or condition or of an alleged reduction of services upon substantial compliance by the homeowner or homeowners with the provisions of subdivisions (b) and (c), or when management has been notified of the alleged failure to maintain or the alleged reduction of services by a state or local agency.

(e) If the notice is served within 30 days of the expiration of the applicable statute of limitations, the time for the commencement of the action shall be extended 30 days from the service of the notice.

(f) This section does not apply to actions for personal injury or wrongful death.

(Added by stats. 1988, Chap. 1592 (AB 4012, Costa), eff. 1/1/1989)

798.85 ATTORNEY'S FEES AND COSTS

In any action arising out of the provisions of this chapter the prevailing party shall be entitled to reasonable attorney's fees and costs. A party shall be deemed a prevailing party for the purposes of this section if the judgment is rendered in his or her favor or where the litigation is dismissed in his or her favor prior to or during the trial, unless the parties otherwise agree in the settlement or compromise.

(Amended by Stats. 1983, Chap. 519 (AB 1052, Bader), eff. 1/1/1984)

798.86 MANAGEMENT PENALTY FOR WILLFUL VIOLATION

(a) If a homeowner or former homeowner of a park is the prevailing party in a civil action, including a small claims court action, against the management to enforce his or her rights under this chapter, the homeowner, in addition to damages afforded by law, may, in the discretion of the court, be awarded an amount not to exceed two thousand dollars ($2,000) for each willful violation of this chapter by the management.

(b) A homeowner or former homeowner of a park who is the prevailing party in a civil action against management to enforce his or her rights under this chapter may be awarded either punitive damages pursuant to Section 3294 of the Civil Code or the statutory penalty provided by subdivision (a).

(Amended by Stats. 2003, Chap. 98 (AB 693, Corbett), eff. 1/1/2004)

798.87 PUBLIC NUISANCES AND ABATEMENT

(a) The substantial failure of the management to provide and maintain physical improvements in the common facilities in good working order and condition shall be deemed a public nuisance. Notwithstanding Section 3491, such a nuisance may only be remedied by a civil action or abatement.

(b) The substantial violation of a mobilehome park rule shall be deemed a public nuisance. Notwithstanding Section 3491, this nuisance may only be remedied by a civil action or abatement.

(c) A civil action pursuant to this section may be brought by a park resident, the park management, or in the name of the

people of the State of California, by any of the following:

(1) The district attorney or the county counsel of the jurisdiction in which the park, or the greater portion of the park, is located.

(2) The city attorney or city prosecutor if the park is located within the jurisdiction of the city.

(3) The Attorney General.

(Amended by Stats. 2002, Chap. 141 (AB 2382, Corbett), eff. 1/1/2003)

798.88 (Sec. 1) INJUNCTION FOR VIOLATION OF PARK RULES

(a) In addition to any right under Article 6 (commencing with Section 798.55) to terminate the tenancy of a homeowner, any person in violation of a reasonable rule or regulation of a mobilehome park may be enjoined from the violation as provided in this section.

(b) A petition for an order enjoining a continuing or recurring violation of any reasonable rule or regulation of a mobilehome park may be filed by the management thereof within the limited jurisdiction of the superior court of the county in which the mobilehome park is located. At the time of filing the petition, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527 of the Code of Civil Procedure. A temporary order restraining the violation may be granted, with notice, upon the petitioner's affidavit showing to the satisfaction of the court reasonable proof of a continuing or recurring violation of a rule or regulation of the mobilehome park by the named homeowner or resident and that great or irreparable harm would result to the management or other homeowners or residents of the park from continuance or recurrence of the violation.

(c) A temporary restraining order granted pursuant to this subdivision shall be personally served upon the respondent homeowner or resident with the petition for injunction and notice of hearing thereon. The restraining order shall remain in effect for a period not to exceed 15 days, except as modified or sooner terminated by the court.

(d) Within 15 days of filing the petition for an injunction, a hearing shall be held thereon. If the court, by clear and convincing evidence, finds the existence of a continuing or recurring violation of a reasonable rule or regulation of the mobilehome park, the court shall issue an injunction prohibiting the violation. The duration of the injunction shall not exceed three years.

(e) However, not more than three months prior to the expiration of an injunction issued pursuant to this section, the management of the mobilehome park may petition under this section for a new injunction where there has been recurring or continuous violation of the injunction or there is a threat of future violation of the mobilehome park's rules upon termination of the injunction.

(f) Nothing shall preclude a party to an action under this section from appearing through legal counsel or in propria persona.

(g) The remedy provided by this section is nonexclusive and nothing in this section shall be construed to preclude or limit any rights the management of a mobilehome park may have to terminate a tenancy.

~~(h) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.~~

(Amended by Stats. 2015, Chap. 176 (SB 244, Vidak), eff. 1/1/2016)

~~**798.88 (Sec. 2) INJUNCTION FOR VIOLATION OF PARK RULES**~~

~~(a) In addition to any right under Article 6 (commencing with Section 798.55) to terminate the tenancy of a homeowner, any person in violation of a reasonable rule or regulation of a mobilehome park may be enjoined from the violation as provided in this section.~~

~~(b) A petition for an order enjoining a continuing or recurring violation of any reasonable rule or regulation of a mobilehome park may be filed by the management thereof with the superior court for the county in which the mobilehome park is located. At the time of filing the petition, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527 of the Code of Civil Procedure. A temporary order restraining the violation may be granted, with notice, upon the petitioner's affidavit showing to the satisfaction of the court reasonable proof of a continuing or recurring violation of a rule or regulation of the mobilehome park by the named homeowner or resident and that great or irreparable harm would result to the management or other homeowners or residents of the park from continuance or recurrence of the violation.~~

~~(c) A temporary restraining order granted pursuant to this subdivision shall be personally served upon the respondent homeowner or resident with the petition for injunction and notice of hearing thereon. The restraining order shall remain in effect for a period not to exceed 15 days, except as modified or sooner terminated by the court.~~

~~(d) Within 15 days of filing the petition for an injunction, a hearing shall be held thereon. If the court, by clear and~~

~~convincing evidence, finds the existence of a continuing or recurring violation of a reasonable rule or regulation of the mobilehome park, the court shall issue an injunction prohibiting the violation. The duration of the injunction shall not exceed three years.~~

~~(e) However, not more than three months prior to the expiration of an injunction issued pursuant to this section, the management of the mobilehome park may petition under this section for a new injunction where there has been recurring or continuous violation of the injunction or there is a threat of future violation of the mobilehome park's rules upon termination of the injunction.~~

~~(f) Nothing shall preclude a party to an action under this section from appearing through legal counsel or in propria persona.~~

~~(g) The remedy provided by this section is nonexclusive and nothing in this section shall be construed to preclude or limit any rights the management of a mobilehome park may have to terminate a tenancy.~~

~~(h) This section shall become operative on January 1, 2016.~~

~~(Added by Stats. 2012, Chap. 99 (AB 2272, Wagner), eff. 1/1/2013)~~

~~Note: Civil Code 798.88 is amended in two Sections. SECTION 1: Until Jan.1, 2016, a mobilehome park may file a request for injunctive relief within the limited jurisdiction of a superior court. SECTION 2: If there are no amendments to this section before Jan. 1, 2016, then CC 798.88 will revert to the previous version of the law that restricted the use of injunctive relief to the unlimited jurisdiction of the superior court.~~

ARTICLE 9 - SUBDIVISIONS, COOPERATIVES, CONDOMINIUMS & RESIDENT-OWNED PARKS

799 DEFINITIONS

As used in this article:

(a) "Ownership or management" means the ownership or management of a subdivision, cooperative, or condominium for mobilehomes, or of a resident-owned mobilehome park.

(b) "Resident" means a person who maintains a residence in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park.

(c) "Resident-owned mobilehome park" means any entity other than a subdivision, cooperative, or condominium for mobilehomes, through which the residents have an ownership interest in the mobilehome park.

(Amended by Stats. 1997, Chap. 72 (SB 484, Craven), eff. 1/1/1998)

799.1 RIGHTS GOVERNED

(a) Except as provided in subdivision (b), this article shall govern the rights of a resident who has an ownership interest in the subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park in which his or her mobilehome is located or installed. In a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, Articles 1(commencing with Section 798) to Article 8 (commencing with Section 798.84), inclusive, shall apply only to a resident who does not have an ownership interest in the subdivision, cooperative, or condominium for mobilehomes, or the resident-owned mobilehome park, in which his or her mobilehome is located or installed.

(b) Notwithstanding subdivision (a), in a mobilehome park owned and operated by a nonprofit mutual benefit corporation, established pursuant to Section 11010.8 of the Business and Professions Code, whose members consist of park residents where there is no recorded subdivision declaration or condominium plan, Article 1 (commencing with Section 798) to Article 8 (commencing with Section 798.84), inclusive**,** shall govern the rights of members who are residents that rent their space from the corporation.

(Amended by Stats. 2012, Chap. 492 (SB 1421, Correa), eff. 9/23/2012)

799.1.5 ADVERTISING SALE OF HOME; "FOR SALE" SIGNS

A homeowner or resident, or an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome through the death of the resident of the mobilehome who was a resident at the time of his or her death, or the agent of any of those persons, may advertise the sale or exchange of his or her mobilehome or, if not prohibited by the terms of an agreement with the management or ownership, may advertise the rental of his or her mobilehome by displaying a sign in the window of the mobilehome, or by a sign posted on the side of the mobilehome facing the street, or by a sign in front of the mobilehome facing the street, stating that the mobilehome is for sale or exchange or, if not prohibited, for rent by the owner of the mobilehome or his or her agent. Any such person also may display a sign conforming to these requirements indicating that the mobilehome is on display for an "open house," unless the park rules prohibit the display of an open house sign. The sign shall state the name, address, and telephone number of the owner of the mobilehome or his or her agent. The sign face may not exceed 24 inches in width and 36 inches in height. Signs posted in front of a mobilehome pursuant to this section may be of an H-frame or A-frame design with the sign face perpendicular

to, but not extending into, the street. A homeowner or resident, or an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome through the death of the resident of the mobilehome who was a resident at the time of his or her death, or the agent of any of those persons, may attach to the sign or their mobilehome tubes or holders for leaflets that provide information on the mobilehome for sale, exchange, or rent.

(Amended by Stats. 2005, Chap. 22 (SB 1108, Committee on Judiciary), eff. 1/1/2006)

799.2 LISTING OR SHOWING OF HOME BY PARK MANAGEMENT

The ownership or management shall not show or list for sale a mobilehome owned by a resident without first obtaining the resident's written authorization. The authorization shall specify the terms and conditions regarding the showing or listing.

Nothing contained in this section shall be construed to affect the provisions of the Health and Safety Code governing the licensing of mobilehome salesmen.

(Amended by Stats. 1983, Chap. 519 (AB 1052, Bader), eff. 1/1/1984)

799.2.5 MANAGEMENT ENTRY INTO HOME

(a) Except as provided in subdivision (b), the ownership or management shall have no right of entry to a mobilehome without the prior written consent of the resident. The consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park when the homeowner or resident fails to so maintain the premises, and protection of the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park at any reasonable time, but not in a manner or at a time that would interfere with the resident's quiet enjoyment.

(b) The ownership or management may enter a mobilehome without the prior written consent of the resident in case of an emergency or when the resident has abandoned the mobilehome.

(Amended by Stats. 2006, Chap. 538 (SB 1852, Committee on Judiciary), eff. 1/1/2007)

799.3 REMOVAL OF MOBILEHOME UPON THIRD PARTY SALE

The ownership or management shall not require the removal of a mobilehome from a subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park in the event of its sale to a third party.

(Amended by Stats. 1997, Chap. 72 (SB 484, Craven), eff. 1/1/1998)

799.4 WITHHOLDING PRIOR APPROVAL OF PURCHASER

The ownership or management may require the right to prior approval of the purchaser of a mobilehome that will remain in the subdivision, cooperative or condominium for mobilehomes, or resident-owned mobilehome park and that the selling resident or his or her agent give notice of the sale to the ownership or management before the close of the sale. Approval cannot be withheld if the purchaser has the financial ability to pay the fees and charges of the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park unless the ownership or management reasonably determines that, based on the purchaser's prior residences, he or she will not comply with the rules and regulations of the subdivision, cooperative or condominium for mobilehomes, or resident-owned mobilehome park.

(Amended by Stats. 1997, Chap. 72 (SB 484, Craven), eff. 1/1/1998)

799.5 SENIOR-ONLY RESTRICTIONS

The ownership or management may require that a purchaser of a mobilehome that will remain in the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park comply with any rule or regulation limiting residency based on age requirements for housing for older persons, provided that the rule or regulation complies with the provisions of the federal Fair Housing Act, as amended by Public Law 104-76, and implementing regulations.

(Amended by Stats. 1997, Chap. 72 (SB 484, Craven), eff. 1/1/1998)

799.6 NO WAIVER OF RIGHTS

No agreement shall contain any provision by which the purchaser waives his or her rights under the provisions of this article. Any such waiver shall be deemed contrary to public policy and void and unenforceable.

(Amended by Stats. 1983, Chap. 519 (AB 1052, Bader), eff. 1/1/1984)

799.7 NOTICE OF UTILITY INTERRUPTION

The ownership or management shall provide, by posting notice on the mobilehomes of all affected homeowners and residents, at least 72 hours' written advance notice of an interruption in utility service of more than two hours for the

maintenance, repair or replacement of facilities of utility systems over which the management has control within the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park, if the interruption is not due to an emergency. The ownership or management shall be liable only for actual damages sustained by a homeowner or resident for violation of this section.

"Emergency," for the purposes of this section, means the interruption of utility service resulting from an accident or act of nature, or cessation of service caused by other than the management's regular or planned maintenance, repair, or replacement of utility facilities.

(Amended by Stats. 1997, Chap. 72 (SB 484, Craven), eff. 1/1/1998)

799.8 SCHOOL IMPACT FEE DISCLOSURE

The management, at the time of an application for residency, shall disclose in writing to any person who proposes to purchase or install a manufactured home or mobilehome on a space or lot, on which the construction of the pad or foundation system commenced after September 1, 1986, and no other manufactured home or mobilehome was previously located, installed, or occupied, that the manufactured home or mobilehome may be subject to a school facilities fee under Sections 53080 and 53080.4 of, and Chapter 4.9 (commencing with Section 65995) of Division 1 of Title 7 of, the Government Code.

(Added by Stats. 1994, Chap. 983 (SB 1461, Craven), eff. 1/1/1995)

799.9 CAREGIVERS LIVING WITH HOMEOWNERS

(a) A homeowner may share his or her mobilehome with any person over 18 years of age or older if that person is providing live-in health care, live-in supportive care, or supervision to the homeowner pursuant to a written treatment plan prepared a physician and surgeon. A fee shall not be charged by management for that person. That person shall have no rights of tenancy in, and shall comply with the rules and regulations of, the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park.

(b) A senior homeowner who resides in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, that has implemented rules or regulations limiting residency based on age requirements for housing for older persons, pursuant to Section 799.5, may share his or her mobilehome with any person 18 years of age or older if this person is a parent, sibling, child, or grandchild of the senior homeowner and requires live-in health care, live-in supportive care, or supervision pursuant to a written treatment plan prepared by a physician and surgeon. A fee shall not be charged by management for that person. Unless otherwise agreed upon, the management shall not be required to manage, supervise, or provide for this person's care during his or her stay in the subdivision, cooperative or condominium for mobilehomes, or resident-owned mobilehome park. That person shall have no rights of tenancy in, and shall comply with the rules and regulations of, the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park. As used in this subdivision, "senior homeowner" means a homeowner or resident who is 55 years of age or older.

(Amended by Stats. 2008, Chap. 170 (SB 1107, Correa), eff. 1/1/2009)

799.10 POLITICAL CAMPAIGN SIGNS

A resident may not be prohibited from displaying a political campaign sign relating to a candidate for election to public office or to the initiative, referendum, or recall process in the window or on the side of a manufactured home or mobilehome, or within the site on which the home is located or installed. The size of the face of a political sign may not exceed six square feet, and the sign may not be displayed in excess of a period of time from 90 days prior to an election to 15 days following the election, unless a local ordinance within the jurisdiction where the manufactured home or mobilehome subject to this article is located imposes a more restrictive period of time for the display of such a sign. In the event of a conflict between the provisions of this section and the provisions of Part 5 (commencing with Section 4000) of Division 4, relating to the size and display of political campaign signs, the provisions of this section shall prevail.

(Amended by Stats. 2012, Chap. 181 (SB 806, Torres), eff. 1/1/2013)

The following intent language appears in Section 4 of SB 116 (Chap. 249, Stat. 2004) but not in this code:
"It is the intent of the Legislature that enactment of this bill not affect any other form of political expression by a homeowner or resident of a mobilehome park where that expression is not associated with an election or political campaign."

799.11 INSTALLATION OF ACCOMMODATIONS FOR THE DISABLED

The ownership or management shall not prohibit a homeowner or resident from installing accommodations for the disabled on the home or the site, lot, or space on which the mobilehome is located, including, but not limited to, ramps or handrails on the outside of the home, as long as the installation of those facilities complies with code, as determined by an enforcement agency, and those facilities are installed pursuant to a permit, if required for the installation, issued by the

enforcement agency. The management may require that the accommodations installed pursuant to this section be removed by the current homeowner at the time the mobilehome is removed from the park or pursuant to a written agreement between the current homeowner and the management prior to the completion of the resale of the mobilehome in place in the park. This section is not exclusive and shall not be construed to condition, affect, or supersede any other provision of law or regulation relating to accessibility or accommodation for the disabled.

(Added by Stats. 2008, Chap. 170 (SB 1107, Correa), eff. 1/1/2009)

SELECTED PROVISIONS OF CALIFORNIA LAW RELATING TO MOBILEHOMES

MANUFACTURED HOME & MOBILEHOME RESALES DISCLOSURE

CIVIL CODE §1102 DISCLOSURE ON MOBILEHOME RESALES

(a) Except as provided in Section 1102.2, this article applies to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

(b) Except as provided in Section 1102.2, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, which manufactured home or mobilehome is classified as personal property and intended for use as a residence.

(c) Any waiver of the requirements of this article is void as against public policy.

(Amended by Stats. 1999, Chap. 517 (SB 534, Dunn), eff. 1/1/2000)

CIVIL CODE §1102.1 DISCLOSURE CLARIFICATION

(a) In enacting Chapter 817 of the Statutes of 1994, it was the intent of the Legislature to clarify and facilitate the use of the real estate disclosure statement, as specified in Section 1102.6.

The Legislature intended the statement to be used by transferors making disclosures required under this article and by agents making disclosures required by Section 2079 on the agent's portion of the real estate disclosure statement, in transfers subject to this article. In transfers not subject to this article, agents may make required disclosures in a separate writing. The Legislature did not intend to affect the existing obligations of the parties to a real estate contract, or their agents, to disclose any fact materially affecting the value and desirability of the property, including, but not limited to, the physical conditions of the property and previously received reports of physical inspections noted on the disclosure form set forth in Section 1102.6 or 1102.6a, and that nothing in this article shall be construed to change the duty of a real estate broker or salesperson pursuant to Section 2079.

It is also the intent of the Legislature that the delivery of a real estate transfer disclosure statement may not be waived in an ''as is'' sale, as held in Loughrin v. Superior Court (1993) 15 Cal. App. 4th 1188.

(b) In enacting Chapter 677 of the Statutes of 1996, it was the intent of the Legislature to clarify and facilitate the use of the manufactured home and mobilehome transfer disclosure statement applicable to the resale of a manufactured home or mobilehome pursuant to subdivision (b) of Section 1102. The Legislature intended the statements to be used by transferors making disclosures required under this article and by agents making disclosures required by Section 2079 on the agent's portion of the disclosure statement and as required by Section 18046 of the Health and Safety Code on the dealer's portion of the manufactured home and mobilehome transfer disclosure statement, in transfers subject to this article. In transfers not subject to this article, agents may make required disclosures in a separate writing. The Legislature did not intend to affect the existing obligations of the parties to a real estate contract, or their agents, to disclose any fact materially affecting the value and desirability of the property, including, but not limited to, the physical conditions of the property and previously received reports of physical inspections noted on the disclosure form set forth in Section 1102.6 or 1102.6a or to affect the existing obligations of the parties to a manufactured home or mobilehome purchase contract, and nothing in this article shall be construed to change the duty of a real estate broker or salesperson pursuant to Section 2079 or the duty of a manufactured home or mobilehome dealer or salesperson pursuant to Section 18046 of the Health and Safety Code.

It is also the intent of the Legislature that the delivery of a mobilehome transfer disclosure statement may not be waived in an ''as is'' sale.

(c) It is the intent of the Legislature that manufactured home and mobilehome dealers and salespersons and real estate brokers and salespersons use the form provided pursuant to Section 1102.6d. It is also the intent of the Legislature for sellers of manufactured homes or mobilehomes who are neither manufactured home dealers or salespersons nor real estate brokers or salespersons to use the Manufactured Home/Mobilehome Transfer Disclosure Statement contained in Section 1102.6d.

(Amended by Stats. 1999, Chap. 517 (SB 534, Dunn), eff. 1/1/2000)

CIVIL CODE §1102.2 WHEN DISCLOSURE NOT APPLICABLE

This article does not apply to the following:

(a) Transfers which are required to be preceded by the furnishing to a prospective transferee of a copy of a public report pursuant to Section 11018.1 of the Business and Professions Code and transfers which can be made without a public report pursuant to Section 11010.4 of the Business and Professions Code.
(b) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in the administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
(c) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure, transfers to the legal owner or lienholder of a manufactured home or mobilehome by a registered owner or successor in interest who is in default, or transfers by reason of any foreclosure of a security interest in a manufactured home or mobilehome.
(d) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust. This exemption shall not apply to a transfer if the trustee is a natural person who is sole trustee of a revocable trust and he or she is a former owner of the property or an occupant in possession of the property within the preceding year.
(e) Transfers from one co-owner to one or more other co-owners.
(f) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
(g) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation or from a property settlement agreement incidental to that judgment.
(h) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.
(i) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.
(j) Transfers or exchanges to or from any governmental entity.

(Amended by Stats. 2000, Chap. 135 (AB 2539, Committee on Judiciary), Chap. 135 (2000), eff. 1/1/2001)

CIVIL CODE §1102.3a MOBILEHOME SALES SUBJECT TO DISCLOSURE

(a) The transferor of any manufactured home or mobilehome subject to this article shall deliver to the prospective transferee the written statement required by this article, as follows:
    (1) In the case of a sale, or a lease with an option to purchase, of a manufactured home or mobilehome, involving an agent, as defined in Section 18046 of the Health and Safety Code, as soon as practicable, but no later than the close of escrow for the purchase of the manufactured home or mobilehome.
    (2) In the case of a sale, or lease with an option to purchase, of a manufactured home or mobilehome, not involving an agent, as defined in Section 18046 of the Health and Safety Code, at the time of execution of any document by the prospective transferee with the transferor for the purchase of the manufactured home or mobilehome.
(b) With respect to any transfer subject to this section, the transferor shall indicate compliance with this article either on the transfer disclosure statement, any addendum thereto, or on a separate document.
(c) If any disclosure, or any material amendment of any disclosure, required to be made pursuant to subdivision (b) of Section 1102, is delivered after the execution of an offer to purchase, the transferee shall have three days after delivery in person or five days after delivery by deposit in the mail, to terminate his or her offer by delivery of a written notice of termination to the transferor.

(Added by Stats. 1999, Chap. 517 (SB 534, Dunn), eff. 1/1/2000)

CIVIL CODE §1102.6d MOBILEHOME TRANSFER DISCLOSURE FORM

Except for manufactured homes and mobilehomes located in a common interest development governed by Part 5 (commencing with Section 4000)of Division 4, the disclosures applicable to the resale of a manufactured home or mobilehome pursuant to subdivision (b) of Section 1102 are set forth in, and shall be made on a copy of, the following disclosure form:

(See next page)

MANUFACTURED HOME AND MOBILEHOME:
TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE MANUFACTURED HOME OR MOBILEHOME (HEREAFTER REFERRED TO AS "HOME") LOCATED AT

_____ IN THE CITY OF _____,
COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS

_____
YEAR MAKE SERIAL #(s) HCD DECAL # or Equivalent

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE-DESCRIBED HOME IN COMPLIANCE WITH SUBDIVISION (b) OF SECTION 1102 OF THE CIVIL CODE AND SECTIONS 18025 AND 18046 OF THE HEALTH AND SAFETY CODE AS OF _____
DATE

IT IS NOT A WARRANTY OF ANY KIND BY THE LAWFUL OWNER OF THE MANUFACTURED HOME OR MOBILEHOME WHO OFFERS THE HOME FOR SALE (HEREAFTER, THE SELLER), OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN. AN "AGENT" MEANS ANY DEALER OR SALESPERSON LICENSED PURSUANT TO PART 2 (COMMENCING WITH SECTION 18000) OF THE HEALTH AND SAFETY CODE, OR A REAL ESTATE BROKER OR SALESPERSON LICENSED PURSUANT TO DIVISION 4 (COMMENCING WITH SECTION 10000) OF DIVISION 13 OF THE BUSINESS AND PROFESSIONS CODE.

I.
COORDINATION WITH OTHER DISCLOSURE & INFORMATION

This Manufactured Home and Mobilehome Transfer Disclosure Statement is made pursuant to Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code. Other statutes require disclosures, or other information may be important to the prospective buyer, depending upon the details of the particular transaction (including, but not limited to, the condition of the park in which the manufactured home or mobilehome will be located; disclosures required or information provided by the Mobilehome Residency Law, Section 798 of the Civil Code et seq.; the mobilehome park rental agreement or lease; the mobilehome park rules and regulations; and park and lot inspection reports, if any, completed by the state or a local enforcement agency). Substituted Disclosures: The following disclosures have or will be made in connection with this transfer, and are intended to satisfy the disclosure obligations of this form, where the subject matter is the same:

☐ Home inspection reports completed pursuant to the contract of sale or receipt for deposit.
☐ Additional inspection reports or disclosures: _____

II.
SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether, and on what terms, to purchase the subject Home. Seller hereby authorizes any agent(s), as defined in Section 18046 of the Health and Safety Code, representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the Home.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY, AS DEFINED IN SECTION 18046 OF THE HEALTH AND SAFETY CODE. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND THE SELLER.

Seller _____is ___is not occupying the Home.

A. The subject Home includes the items checked below which are being sold with the Home (read across)*:

___ Range	___ Oven	___ Microwave
___ Dishwasher	___ Trash Compactor	___ Garbage Disposal
___ Burglar Alarm	___ Carbon Monoxide Devices	___ Fire Alarm
___ TV Antenna	___ Satellite Dish	___ Intercom
___ Central Heating	___ Central Air Conditioning	___ Wall/Window Air Cndtng
___ Evaporative Cooler(s)	___ Sump Pump	___ Water Softener
___ Porch Decking	___ Porch Awning	___ Gazebo
___ Private Sauna	___ Private Spa	___ Spa Locking Safety Cover
___ Private Hot Tub	___ Hot Tub Locking Cover	___ Gas/Spa Heater
___ Solar/Spa Heater	___ Gas Water Heater	___ Solar Water Heater
___ Electric Water Heater		___ Bottled Propane
___ Carport Awning		
___ Automatic Garage Door Opnrs	___ Attached Garage	___ Detached Garage
___ Window Secure Bars	___ Bedroom Window Quick Release Mechanism	___ Rain Gutters
___ Earthquake Bracing System	___ Washer/Dryer Hookups	

Exhaust Fan(s) in _____ 220 Volt Wiring in _____
Fireplaces(s) in _____ Gas Starter(s) _____
Roof(s) and type(s) _____ Roof age (Approximate) _____
Other _____

*Installation of a listed appliance, device, or amenity is not a precondition of sale or transfer of the home. The carbon monoxide device, garage door opener, or child-resistant pool barrier may not be in compliance with the safety standards relating to, respectively, carbon monoxide device standards of Chapter 8 (commencing with Section 13260) of Part 2 of Division 12 of, automatic reversing device standards of Chapter 12.5 (commencing with Section 19890) of Part 3 of Division 13 of, or the pool safety standards of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of the Health and Safety Code. Window security bars may not have quick-release mechanisms in compliance with the 1995 edition of the California Building Standards Code.

Are there, to the best of your (Seller's) knowledge, any of the above that are not in operating condition? _____ Yes _____No. If yes, then describe. (Attach additional sheets if necessary):

_____

_____

B. Are you (the Seller) aware of any significant defects/malfunctions in any of the following in connection with the Home?

_____ Yes _____No. If yes, check appropriate space(s) below:
_____ Interior Walls, _____ Ceilings, _____ Floors, _____ Exterior Walls, _____ Insulation,
_____ Roof(s), _____ Windows, _____ Doors, _____ Home Electrical Systems, _____ Plumbing
_____ Porch or Deck, _____ Porch Steps & Railings, _____ Other Steps & Railings,
_____ Porch Awning, _____ Carport Awning, _____ Other Awnings, _____ Skirting,
_____ Home Foundation or Support System, ___ Other Structural Components (Describe:)

_____

_____)

If any of the above is checked, explain. (Attach additional sheets if necessary): _____

_____

_____

C. Are you (the Seller) aware of any of the following:

1. Substances, materials, or products which may be an environmental hazard, such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, or chemical storage tanks on the subject home interior or exterior. _____ Yes _____ No
2. Room additions, structural modifications, or other alterations or repairs made without necessary

permits. _____ Yes _____ No

3. Room additions, structural modifications, or other alterations or repairs not in compliance with applicable codes. _____ Yes _____ No
4. Any settling from slippage, sliding or problems with leveling of the home or the foundation or support system. _____ Yes _____ No
5. Drainage or grading problems with the home, space or lot. _____ Yes _____ No
6. Damage to the home or accessory structures being sold with the home from fire, flood, earthquake, or landslides. _____ Yes _____ No
7. Any notices of abatement or citations against the home or accessory structures being sold with the home. _____ Yes _____ No
8. Any lawsuits by or against the seller threatening to or affecting the home or the accessory structures being sold with the home, including any lawsuits alleging any defect or deficiency in the home or accessories sold with the home. _____ Yes _____ No
9. Neighborhood noise problems or other nuisances. _____ Yes _____ No
10. Any encroachment, easement, nonconforming use of violation of setback requirements with the home, accessory structures being sold with the home, or space. _____ Yes _____ No

If the answer to any of these is yes, explain. (Attach additional sheets if necessary.): _____

_____

_____

_____

D. 1. The Seller certifies that the home, as of the close of escrow, will be in compliance with Section 13113.8 of the Health and Safety Code by having operable smoke detector(s) which are approved, listed, and installed in accordance with the State Fire Marshal's regulations and applicable local standards.

2. The Seller certifies that the home, as of the close of escrow, will be in compliance with Section 19211 of the Health and Safety Code by having the water heater tank(s) braced, anchored, or strapped in place in accordance with applicable law.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Seller _____ Date _____

III.

AGENT'S INSPECTION DISCLOSURE

(To be completed only if the Seller is represented by and Agent in this transaction)

THE UNDERSIGNED, BASED ON THE ABOVE INQUIRY OF THE SELLER(S) AS TO THE CONDITION OF THE HOME AND BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE HOME IN CONJUNCTION WITH THAT INQUIRY, STATES THE FOLLOWING:

☐ Agent notes no items for disclosure.

☐ Agent notes the following items:

_____

_____

_____

_____

Agent

Representing Seller _____ By _____ Date _____

(Please Print) (Signature)

IV.

AGENT'S INSPECTION DISCLOSURE

(To be completed only if the Agent who has obtained the offer is other than the Agent above.)

THE UNDERSIGNED, BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE HOME, STATES THE FOLLOWING:

☐Agent notes no items for disclosure.
☐Agent notes the following items:

_____
_____
_____
_____

Agent
Representing Buyer _____ By _____ Date _____
(Please Print) (Signature)

V.

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE HOME AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THE BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller _____ Date _____ Buyer _____ Date _____
Seller _____ Date _____ Buyer _____ Date _____

Agent
Representing Seller _____ By _____ Date _____
(Please Print) (Signature)

Agent
Representing Buyer _____ By _____ Date _____
(Please Print) (Signature)

VI.

SECTION 1102.3a OF THE CIVIL CODE PROVIDES A PROSPECTIVE BUYER WITH THE RIGHT TO RESCIND THE PURCHASE OF THE MANUFACTURED HOME OR MOBILEHOME FOR AT LEAST THREE DAYS AFTER DELIVERY OF THIS DISCLOSURE, IF DELIVERY OCCURS AFTER THE SIGNING OF AN OFFER TO PURCHASE. IF YOU WISH TO RESCIND THE CONTRACT, YOU MUST ACT WITHIN THE PRESCRIBED PERIOD.

A MANUFACTURED HOME OR MOBILEHOME DEALER OR A REAL ESTATE BROKER IS QUALIFIED TO PROVIDE ADVICE ON THE SALE OF A MANUFACTURED HOME OR MOBILEHOME. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

(Amended by Stats. 2012, Chap. 181 (SB 806, Torres), eff. 1/1/2014)

CIVIL CODE §1102.6e NOTICE OF TRANSFER FEE

If a property being transferred on or after January 1, 2008, is subject to a transfer fee, as defined in Section 1098, the transferor shall provide, at the same time as the transfer disclosure statement required pursuant to Section 1102.6 is provided, an additional disclosure statement containing all of the following:

(a) Notice that payment of a transfer fee is required upon transfer of the property.
(b) The amount of the fee required for the asking price of the real property and a description of how the fee is calculated.
(c) Notice that the final amount of the fee may be different if the fee is based upon a percentage of the final sale price.
(d) The entity to which funds from the fee will be paid.
(e) The purposes for which funds from the fee will be used.
(f) The date or circumstances under which the obligation to pay the transfer fee expires, if any.

(Added by Stats. 2007, Chap. 980 (AB 980, C.Calderon), eff. 1/1/2008)

CIVIL CODE §1102.9 DISCLOSURE AMENDMENTS

Any disclosure made pursuant to this article may be amended in writing by the transferor or his or her agent, but the amendment shall be subject to Section 1102.3 or 1102.3a.

(Amended by Stats. 1999, Chap. 517 (SB 534, Dunn), eff. 1/1/2000)

DISCLOSURE OF NATURAL HAZARDS UPON TRANSFER OF RESIDENTIAL PROPERTY

CIVIL CODE §1103 APPLICATION OF DISCLOSURE

(a) Except as provided in Section 1103.1, this article applies to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.
(b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).
(c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent are required by one or more of the following to disclose the property's location within a hazard zone:
    (1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone ''A'' or ''V'') designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:
        (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
        (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
    (2) A person who is acting as an agent for a transferor of real property that is located within an area of potential flooding, designated pursuant to Section 8589.5 of the Government Code, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding if either:
        (A) The transferor, or the transferor's agent, has actual knowledge that the property is within an inundation area.
        (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
    (3) A transferor of real property that is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Government Code, shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 of the Government Code if either:
        (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a very high fire hazard severity zone.

(B) A map that includes the property has been provided to the local agency pursuant to Section 51178 of the Government Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the local agency.

(4) A person who is acting as an agent for a transferor of real property that is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within a delineated earthquake fault zone.

(B) A map that includes the property has been provided to the city or county pursuant to Section 2622 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

(5) A person who is acting as an agent for a transferor of real property that is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within a seismic hazard zone.

(B) A map that includes the property has been provided to the city or county pursuant to Section 2696 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

(6) A transferor of real property that is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within a wildland fire zone.

(B) A map that includes the property has been provided to the city or county pursuant to Section 4125 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

(d) Any waiver of the requirements of this article is void as against public policy.

(Added by Stats. 2004, Chap. 183 (AB 3082, Committee on Judiciary), eff. 1/1/2005)

CIVIL CODE §1103.1 EXCLUSIONS

(a) This article does not apply to the following transfers:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) Transfers from one co-owner to one or more other co-owners.

(5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.

(6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.
(7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.
(8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.
(9) Transfers or exchanges to or from any governmental entity.

(b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.2 NATURAL HAZARD DISCLOSURE FORM

(a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement:

NATURAL HAZARD DISCLOSURE STATEMENT

This statement applies to the following property: _____

The transferor and his or her agent(s) or a third party consultant disclose the following information with the knowledge that even though this is not a warranty, prospective transferees may rely on this information in deciding whether and on what terms to purchase the subject property. Transferor hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The following are representations made by the transferor and his or her agent(s) based on their knowledge and maps drawn by the state and federal governments. This information is a disclosure and is not intended to be part of any contract between the transferee and the transferor.

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

A SPECIAL FLOOD HAZARD AREA (Any type Zone ''A'' or ''V'') designated by the Federal Emergency Management Agency. Yes_____ No_____

Do not know and information not available from local jurisdiction_____

AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code. Yes_____ No_____

Do not know and information not available from local jurisdiction_____

A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.

Yes_____ No_____

A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code. Yes_____ No_____

AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code.

Yes_____ No_____

A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code.

Yes (Landslide Zone) _____ Yes (Liquefaction Zone) _____ No _____

Map not yet released by State_____

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER.

THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Signature of Transferor(s)_____ Date_____

Signature of Transferor(s)_____ Date_____

Agent(s)_____ Date_____
Agent(s)_____ Date_____
Check only one of the following:
☐ Transferor(s) and their agent(s) represent that the information herein is true and correct to the best of their knowledge as of the date signed by the transferor(s) and agent(s).
☐ Transferor(s) and their agent(s) acknowledge that they have exercised good faith in the selection of a third-party report provider as required in Civil Code Section 1103.7, and that the representations made in this Natural Hazard Disclosure Statement are based upon information provided by the independent third-party disclosure provider as a substituted disclosure pursuant to Civil Code Section 1103.4. Neither transferor(s) nor their agent(s) (1) has independently verified the information contained in this statement and report or (2) is personally aware of any errors or inaccuracies in the information contained on the statement. This statement was prepared by the provider below:
Third-Party
Disclosure Provider(s) _____ Date _____
Transferee represents that he or she has read and understands this document. Pursuant to Civil Code Section 1103.8, the representations made in this Natural Hazard Disclosure Statement do not constitute all of the transferor's or agent's disclosure obligations in this transaction.
Signature of Transferee(s)_____ Date_____
Signature of Transferee(s)_____ Date_____

(b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the transferor or transferor's agent shall mark ''Yes'' on the Natural Hazard Disclosure Statement. The transferor or transferor's agent may mark ''No'' on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.

(c) If the Federal Emergency Management Agency has issued a Letter of Map Revision confirming that a property is no longer within a special flood hazard area, then the transferor or transferor's agent may mark ''No'' on the Natural Hazard Disclosure Statement, even if the map has not yet been updated. The transferor or transferor's agent shall attach a copy of the Letter of Map Revision to the disclosure statement.

(d) If the Federal Emergency Management Agency has issued a Letter of Map Revision confirming that a property is within a special flood hazard area and the location of the letter has been posted pursuant to subdivision (g) of Section 8589.3 of the Government Code, then the transferor or transferor's agent shall mark ''Yes'' on the Natural Hazard Disclosure Statement, even if the map has not yet been updated. The transferor or transferor's agent shall attach a copy of the Letter of Map Revision to the disclosure Statement.

(e) The disclosure required pursuant to this article may be provided by the transferor and the transferor's agent in the Local Option Real Estate Disclosure Statement described in Section 1102.6a, provided that the Local Option Real Estate Disclosure Statement includes substantially the same information and substantially the same warnings that are required by this section.

(f) (1) The legal effect of a consultant's report delivered to satisfy the exemption provided by Section 1103.4 is not changed when it is accompanied by a Natural Hazard Disclosure Statement.
(2) A consultant's report shall always be accompanied by a completed and signed Natural Hazard Disclosure Statement.
(3) In a disclosure statement required by this section, an agent and third-party provider may cause his or her name to be preprinted in lieu of an original signature in the portions of the form reserved for signatures. The use of a preprinted name shall not change the legal effect of the acknowledgment.

(g) The disclosure required by this article is only a disclosure between the transferor, the transferor's agents, and the transferee, and shall not be used by any other party, including, but not limited to. insurance companies, lenders, or governmental agencies, for any purpose.

(h) In any transaction in which a transferor has accepted, prior to June 1, 1998, an offer to purchase, the transferor, or his or her agent, shall be deemed to have complied with the requirement of subdivision (a) if the transferor or agent delivers to the prospective transferee a statement that includes substantially the same information and warning as the Natural Hazard Disclosure Statement.

(Amended by Stats. 2004, Chap. 66 (AB 920, Nakano), eff. 1/1/2005)

CIVIL CODE §1103.3 DELIVERY TO BUYER

(a) The transferor of any real property subject to this article shall deliver to the prospective transferee the written statement required by this article, as follows:
   (1) In the case of a sale, as soon as practicable before transfer of title.
   (2) In the case of transfer by a real property sales contract, as defined in Section 2985, or by a lease together with an option to purchase, or a ground lease coupled with improvements, as soon as practicable before execution of the contract. For the purpose of this subdivision, ''execution'' means the making or acceptance of an offer.

(b) The transferor shall indicate compliance with this article either on the receipt for deposit, the real property sales contract, the lease, any addendum attached thereto, or on a separate document.

(c) If any disclosure, or any material amendment of any disclosure, required to be made pursuant to this article is delivered after the execution of an offer to purchase, the transferee shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate his or her offer by delivery of a written notice of termination to the transferor or the transferor's agent.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.4 LIABILITY FOR ERRORS

(a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.

(b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.

(c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.
   (1) In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

   NOTICE OF AIRPORT IN VICINITY

   This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.
   (2) In responding to the request, the expert shall determine whether the property is within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined in Section 66620 of the Government Code. If the property is within the commission's jurisdiction, the report shall contain the following notice:

   NOTICE OF SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION JURISDICTION

   This property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission. Use and development of property within the commission's jurisdiction may be subject to special regulations, restrictions, and permit requirements. You may wish to investigate and determine whether they are acceptable to you and your intended use of the property before you complete your transaction.
   (3) In responding to the request, the expert shall determine whether the property is presently located within one mile of a parcel of real property designated as "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," "Farmland of Local Importance," or "Grazing Land" on the most current "Important Farmland Map" issued by the California Department of Conservation, Division of Land Resource Protection, utilizing solely the county-level GIS map data, if any, available on the Farmland Mapping and Monitoring Program website. If the

residential property is within one mile of a designated farmland area, the report shall contain the following notice:

NOTICE OF RIGHT TO FARM

This property is located within one mile of a farm or ranch land designated on the current county-level GIS "Important Farmland Map," issued by the California Department of Conservation, Division of Land Resource Protection. Accordingly, the property may be subject to inconveniences or discomforts resulting from agricultural operations that are a normal and necessary aspect of living in a community with a strong rural character and a healthy agricultural sector. Customary agricultural practices in farm operations may include, but are not limited to, noise, odors, dust, light, insects, the operation of pumps and machinery, the storage and disposal of manure, bee pollination, and the ground or aerial application of fertilizers, pesticides, and herbicides. These agricultural practices may occur at any time during the 24-hour day. Individual sensitivities to those practices can vary from person to person. You may wish to consider the impacts of such agricultural practices before you complete your purchase. Please be advised that you may be barred from obtaining legal remedies against agricultural practices conducted in a manner consistent with proper and accepted customs and standards pursuant to Section 3482.5 of the Civil Code or any pertinent local ordinance.

(4) In responding to the request, the expert shall determine, utilizing map coordinate data made available by the Office of Mine Reclamation, whether the property is presently located within one mile of a mine operation for which map coordinate data has been reported to the director pursuant to Section 2207 of the Public Resources Code. If the expert determines, from the available map coordinate data, that the residential property is located within one mile of a mine operation, the report shall contain the following notice:

NOTICE OF MINING OPERATIONS

This property is located within one mile of a mine operation for which the mine owner or operator has reported mine location data to the Department of Conservation pursuant to Section 2207 of the Public Resources Code. Accordingly, the property may be subject to inconveniences resulting from mining operations. You may wish to consider the impacts of these practices before you complete your transaction.

(Amended by Stats. 2011, Chap. 253 (SB 110, Rubio), eff. 1/1/2013)

CIVIL CODE §1103.5 RELIEF FROM DUTY TO DISCLOSE

(a) After a transferor and his or her agent comply with Section 1103.2, they shall be relieved of further duty under this article with respect to those items of information. The transferor and his or her agent shall not be required to provide notice to the transferee if the information provided subsequently becomes inaccurate as a result of any governmental action, map revision, changed information, or other act or occurrence, unless the transferor or agent has actual knowledge that the information has become inaccurate.

(b) If information disclosed in accordance with this article is subsequently rendered inaccurate as a result of any governmental action, map revision, changed information, or other act or occurrence subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom does not constitute a violation of this article.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.7 GOOD FAITH

Each disclosure required by this article and each act that may be performed in making the disclosure shall be made in good faith. For purposes of this article, ‘‘good faith’’ means honesty in fact in the conduct of the transaction.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.8 OTHER DISCLOSURES

(a) The specification of items for disclosure in this article does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction. The legislature does not intend to affect the existing obligations of the parties to a real estate contract, or their agents, to disclose any fact materially affecting the value and desirability of the property, including, but not limited to, the physical condition of the property and previously received reports of physical inspection noted on the disclosure form provided pursuant to Section 1102.6 or 1102.6a.

(b) Nothing in this article shall be construed to change the duty of a real estate broker or salesperson pursuant to Section 2079.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.9 AMENDMENTS TO DISCLOSURE

Any disclosure made pursuant to this article may be amended in writing by the transferor or his or her agent, but the amendment shall be subject to Section 1103.3.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.10 PERSONAL DELIVERY OR MAIL

Delivery of disclosures required by this article shall be by personal delivery to the transferee or by mail to the prospective transferee. For the purposes of this article, delivery to the spouse of a transferee shall be deemed delivery to the transferee, unless provided otherwise by contract.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.11 THOSE WHO ARE NOT AGENTS

Any person or entity, other than a real estate licensee licensed pursuant to Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code, acting in the capacity of an escrow agent for the transfer of real property subject to this article shall not be deemed the agent of the transferor or transferee for purposes of the disclosure requirements of this article, unless the person or entity is empowered to so act by an express written agreement to that effect. The extent of that agency shall be governed by the written agreement.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.12 AGENT'S RESPONSIBILITIES

(a) If more than one licensed real estate broker is acting as an agent in a transaction subject to this article, the broker who has obtained the offer made by the transferee shall, except as otherwise provided in this article, deliver the disclosure required by this article to the transferee, unless the transferor has given other written instructions for delivery.

(b) If a licensed real estate broker responsible for delivering the disclosures under this section cannot obtain the disclosure document required and does not have written assurance from the transferee that the disclosure has been received, the broker shall advise the transferee in writing of his or her rights to the disclosure. A licensed real estate broker responsible for delivering disclosures under this section shall maintain a record of the action taken to effect compliance in accordance with Section 10148 of the Business and Professions Code.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.13 NO TRANSACTION INVALIDATED

No transfer subject to this article shall be invalidated solely because of the failure of any person to comply with any provision of this article. However, any person who willfully or negligently violates or fails to perform any duty prescribed by any provision of this article shall be liable in the amount of actual damages suffered by a transferee.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

CIVIL CODE §1103.14 LISTING AGENT DEFINED

(a) As used in this article, ''listing agent'' means listing agent as defined in subdivision (f) of Section 1086.

(b) As used in this article, ''selling agent'' means selling agent as defined in subdivision (g) of Section 1086, exclusive of the requirement that the agent be a participant in a multiple listing service as defined in Section 1087.

(Added by Stats. 1999, Chap. 876 (AB 248, Torlakson), eff. 1/1/2000)

AGENTS' MOBILEHOME RESALE DISCLOSURE

HEALTH & SAFETY CODE §18025 AGENTS SUBJECT TO §18046

(a) Except as provided in subdivisions (b) and (c), it is unlawful for any person to sell, offer for sale, rent, or lease within this state, any manufactured home or any mobilehome, commercial coach, or special purpose commercial coach manufactured after September 1, 1958, containing structural, fire safety, plumbing, heat-producing, or electrical systems and equipment unless the systems and equipment meet the requirements of the department for those systems and that equipment and the installation of those systems and that equipment. The department may adopt rules and regulations that are reasonably consistent with recognized and accepted principles for structural, fire safety, plumbing, heat-producing, and electrical systems and equipment and installations, respectively, to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe structural, fire safety, plumbing, heat-producing, and electrical systems, equipment and installations.

(b) All manufactured homes and mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

(c) The sale of used manufactured homes and mobilehomes by an agent licensed pursuant to this part shall be subject to

Section 18046.

(Amended by Stats. 1999, Chap. (SB 534, Dunn), eff. 1/1/2000)

HEALTH & SAFETY CODE §18046 AGENT'S DUTY OF DISCLOSURE

(a) An ''agent'' for purposes of this section and Section 18025, means a dealer or salesperson licensed pursuant to this part, or a real estate broker or salesperson licensed pursuant to Division 4 (commencing with Section 10000) of the Business and Professions Code.

(b) A ''seller'' for the purposes of this section and Section 18025 means the lawful owner of the manufactured home or mobilehome offering the home for sale. For purposes of this section and Section 18025, the exemptions enumerated by Section 1102.2 of the Civil Code shall be applicable to the transfer of a manufactured home or mobilehome.

(c) The sale of used manufactured homes or mobilehomes by a real estate broker or salesperson licensed under Division 4 (commencing with Section 10000) of the Business and Professions Code shall be subject to Section 2079 of the Civil Code.

(d) It is the duty of a dealer or salesperson, licensed under this chapter, to a prospective buyer of a used manufactured home or mobilehome, subject to registration pursuant to this part, to conduct a reasonably competent and diligent visual inspection of the home offered for sale and to disclose to that prospective buyer all facts materially affecting the value or desirability of the home that an investigation would reveal, if that dealer or salesperson has a written contract with the seller to find or obtain a buyer or is a dealer or salesperson who acts in cooperation with others to find and obtain a buyer. Where a transfer disclosure statement is required pursuant to subdivision (b) of Section 1102 of the Civil Code, a dealer or salesperson shall discharge that duty by completing the agent's portion of the transfer disclosure statement that a seller prepares and delivers to a prospective buyer pursuant to subdivision (b) of Section 1102 of the Civil Code. If no transfer disclosure statement is required, but the transaction is not exempt under Section 1102.2 of the Civil Code, a dealer shall discharge that duty by completing and delivering to the prospective buyer an exact reproduction of Sections III, IV, and V of the transfer disclosure statement required pursuant to subdivision (b) of Section 1102 of the Civil Code.

(Amended by Stats. 1999, Chap. 517 (SB 534, Dunn), eff. 1/1/2000)

LOT LINES

HEALTH & SAFETY CODE §18610.5 MOBILEHOME AND SPECIAL OCCUPANCY PARK LOT LINES

(a) Park lot lines shall not be created, moved, shifted, or altered without a permit issued to the park owner or operator by the enforcement agency and the written authorization of the registered owner or owners of the mobilehome or manufactured home, if any, located on the lot or lots on which the lot line will be created, moved, shifted, or altered.

(b) No park lot line shall be created, moved, shifted, or altered, if the action will place the mobilehome owner, as defined by Section 18400.4, of a mobilehome or manufactured home located on a lot in violation of any separation or space requirements under this part or under any administrative regulation.

(c) The park owner or operator shall submit a written application for the lot line alteration permit to the enforcement agency. The application shall include a list of the names and addresses of the registered owners of mobilehomes or manufactured homes located on the lot or lots that would be altered by the proposed lot line change and the written authorization of the registered owners. The enforcement agency may require, as part of the application for the permit, that a mobilehome park owner or operator submit to the enforcement agency documents needed to demonstrate compliance with this section, including, but not limited to, a detailed plot plan showing the dimensions of each lot altered by the creation, movement, shifting, or alteration of the lot lines. If submission of a plot plan is required, the mobilehome park owner or operator shall provide a copy of the plot plan to the registered owners of mobilehomes or manufactured homes located on each lot that would be altered by the proposed lot line change and provide the enforcement agency, as part of the application, with proof of delivery by first-class postage prepaid of the copy of the plot plan to the affected registered owners.

(d) The department may adopt a fee, by regulation, payable by the applicant, for the permit authorized by this section.

(e) If the department is the enforcement agency and the application proposes to reduce or increase the total number of lots available for occupation, the applicant shall submit a copy of that application and any information required by subdivision (c) to the local planning agency of the jurisdiction where the park is located.

(Amended by Stats. 2003, Ch. 815, (SB 54, Dunn). Operative 7/1/2005)

PARK EMERGENCY PREPAREDNESS AND PROCEDURES

HEALTH & SAFETY CODE §18603 EMERGENCY PREPAREDNESS PLANS

(a) In every park there shall be a person available by telephonic or like means, including telephones, cellular phones, telephone answering machines, answering services or pagers, or in person who shall be responsible for, and who shall reasonably respond in a timely manner to emergencies concerning, the operation and maintenance of the park. In every park with 50 or more units, that person or his or her designee shall reside in the park, have knowledge of emergency procedures relative to utility systems and common facilities under the ownership and control of the owner of the park, and shall be familiar with the emergency preparedness plans for the park.

(b) (1) On or before September 1, 2010, an owner or operator of an existing park shall adopt an emergency preparedness plan.

(2) For a park constructed after September 1, 2010, an owner or operator of a park shall adopt a plan in accordance with this section prior to the issuance of the permit to operate.

(3) An owner or operator may comply with paragraph (1) by either of the following methods:

(A) Adopting the emergency procedures and plans approved by the Standardized Emergency Management System Advisory Board on November 21, 1997, entitled "Emergency Plans for Mobilehome Parks," and compiled by the California Emergency Management Agency in compliance with the Governor's Executive Order W-156-97, or any subsequent version.

(B) Adopting a plan that is developed by the park management and is comparable to the procedures and plans specified in subparagraph (A).

(c) For an existing park, and in the case of a park constructed after September 10, 2010, prior to the issuance of the permit to operate, an owner or operator of a park shall do both of the following:

(1) Post notice of the emergency preparedness plan in the park clubhouse or in another conspicuous area within the mobilehome park.

(2) On or before September 10, 2010, provide notice of how to access the plan and information on individual emergency preparedness information from the appropriate state or local agencies, including, but not limited to, the Office of Emergency Services, to all existing residents and, upon approval of tenancy, for all new residents thereafter. This may be accomplished in a manner that includes, but is not limited to, distribution of materials and posting notice of the plan or information on how to access the plan via the Internet.

(d) An enforcement agency shall determine whether park management is in compliance with this section. The agency may ascertain compliance by receipt of a copy of the plan during site inspections conducted in response to complaints of alleged violations, or for any other reason.

(e) Notwithstanding any other provision of this part, a violation of this section shall constitute an unreasonable risk to life, health, or safety and shall be corrected by park management within 60 days of notice of the violation.

(Amended by Stats. 2013, Ch. 352, (AB 1317, Frazier), eff. 9/26/2013)

POLLING PLACE

ELECTIONS CODE §12285 MOBILEHOME POLLING PLACE

A mobilehome may be used as a polling place if the elections official determines that no other facilities are available for the convenient exercise of voting rights by mobilehome park residents and the mobilehome is designated as a polling place by the elections official pursuant to Section 12286. No rental agreement shall prohibit the use of a mobilehome for those purposes.

(Amended by Stats. 2000, Chap. 1081 (SB 1823, Committee on Elections and Reapportionment), eff. 1/1/2001)

TITLE AND REGISTRATION

HEALTH & SAFETY CODE §18108 RENEWALS AND REPLACEMENTS

If any registration card or registration decal is stolen, lost, mutilated, or illegible, the registered owner of the manufactured home, mobilehome, commercial coach, truck camper, or floating home for which it was issued, as shown by the records of the department, shall immediately make application for, and may, upon the applicant furnishing information satisfactory to the department and paying the required fees, obtain a duplicate, substitute, or new registration under a new registration number, as determined by the department.

(Amended by Stats. 1985, Ch. 1467, eff. 10/2/1985.)

HEALTH & SAFETY CODE §18122.5 PENALTIES

It is unlawful for any person to fail or neglect properly to endorse, date, and deliver the certificate of title and, when having possession, to fail to deliver the registration card to a transferee who is lawfully entitled to a transfer of registration. Except when the certificate of title is demanded in writing by a purchaser, a manufactured home, mobilehome, or commercial coach dealer licensed, as provided by this part, shall satisfy the delivery requirement of this section by submitting appropriate documents and fees to the department for transfer of registration in accordance with this part and rules and regulations promulgated thereunder.

(Amended by Stats. 1983, Ch. 1076, § 90.)

VEHICLE CODE §5903 ABANDONMENT AND SALE: NOTICE AND APPLICATION

When the department receives a copy of the judgment of abandonment and evidence of sale as specified in Section 798.61 of the Civil Code, the department shall transfer the registration of the trailer coach or recreational vehicle which has been deemed abandoned pursuant to that section, or reregister the trailer coach or vehicle under a new registration number, and issue a new certificate of ownership and registration card to the person or persons presenting the copy of the judgment of abandonment and evidence of sale to the department.

(Added by Stats. 1991, Ch. 564, § 2.)

TRAFFIC

VEHICLE CODE §21107.9 SPEED ENFORCEMENT AGREEMENTS

(a) Any city or county, or city and county, may, by ordinance or resolution, find and declare that there are privately owned and maintained roads within a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or within a manufactured housing community, as defined in Section 18801 of the Health and Safety Code, within the city or county, or city and county, that are generally not held open for use by the public for vehicular travel. Upon enactment of the ordinance or resolution, the provisions of this code shall apply to the privately owned and maintained roads within a mobilehome park or manufactured housing community if appropriate signs are erected at the entrance or entrances to the mobilehome park or manufactured housing community of the size, shape, and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the roads within the park or community are subject to the provisions of this code. The city or county, or city and county, may impose reasonable conditions and may authorize the owners of the mobilehome park or manufactured housing community to erect traffic signs, markings, or devices which conform to the uniform standards and specifications adopted by the Department of Transportation.

(b) No ordinance or resolution shall be enacted unless there is first filed with the city or county a petition requested by the owner or owners of any privately owned and maintained roads within a mobilehome park or manufactured housing community, who are responsible for maintaining the roads.

(c) No ordinance or resolution shall be enacted without a public hearing thereon and 10 days' prior written notice to all owners of the roads within a mobilehome park or manufactured housing community proposed to be subject to the ordinance or resolution. At least seven days prior to the public hearing, the owner or manager of the mobilehome park or manufactured housing community shall post a written notice about the hearing in a conspicuous area in the park or community clubhouse, or if no clubhouse exists, in a conspicuous public place in the park or community.

(d) For purposes of this section, the prima facie speed limit on any road within a mobilehome park or manufactured housing community shall be 15 miles per hour. This section does not preclude a mobilehome park or manufactured housing community from requesting a higher or lower speed limit if an engineering and traffic survey has been conducted within the community supporting that request.

(e) The department is not required to provide patrol or enforce any provision of this code on any privately owned and maintained road within a mobilehome park or manufactured housing community, except those provisions applicable to private property other than by action under this section.

(Added by Stats. 2002, Chap. 284 (SB 1556, Dunn), eff. 1/1/2003)

THE RECREATIONAL VEHICLE PARK OCCUPANCY LAW

CHAPTER 2.6 OF THE CALIFORNIA CIVIL CODE

ARTICLE 1 – DEFINITIONS

799.20 TITLE OF CHAPTER

This chapter shall be known and may be cited as the Recreational Vehicle Park Occupancy Law.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.21 APPLICATION OF DEFINITIONS

Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.22 DEFINITION OF DEFAULTING OCCUPANT

"Defaulting occupant" means an occupant who fails to pay for his or her occupancy in a park or who fails to comply with reasonable written rules and regulations of the park given to the occupant upon registration.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.23 DEFINITION OF DEFAULTING RESIDENT

"Defaulting resident" means a resident who fails to pay for his or her occupancy in a park, fails to comply with reasonable written rules and regulations of the park given to the resident upon registration or during the term of his or her occupancy in the park, or who violates any of the provisions contained in Article 5 (commencing with Section 799.70).

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.24 DEFINITION OF DEFAULTING TENANT

"Defaulting tenant" means a tenant who fails to pay for his or her occupancy in a park or fails to comply with reasonable written rules and regulations of the park given to the person upon registration or during the term of his or her occupancy in the park.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.25 DEFINITION OF GUEST

"Guest" means a person who is lawfully occupying a recreational vehicle located in a park but who is not an occupant, tenant, or resident. An occupant, tenant, or resident shall be responsible for the actions of his or her guests.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.26 DEFINITION OF MANAGEMENT

"Management" means the owner of a recreational vehicle park or an agent or representative authorized to act on his or her behalf in connection with matters relating to the park.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.27 DEFINITION OF OCCUPANCY

"Occupancy" and "occupy' refer to the use of a recreational vehicle park lot by an occupant, tenant, or resident.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.28 DEFINITION OF OCCUPANT

"Occupant" means the owner or operator of a recreational vehicle who has occupied a lot in a park for 30 days or less.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.29 DEFINITION OF RV

"Recreational vehicle" has the same meaning as defined in Section 18010 of the Health and Safety Code.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.30 DEFINITION OF RV PARK

"Recreational vehicle park" or "park" has the same meaning as defined in Section 18862.39 of the Health and Safety Code.

(Amended by Stats. 2004, Chap. 530 (AB 196, (Leslie), eff. 1/1/2005)

799.31 DEFINITION OF RESIDENT

"Resident" means a tenant who has occupied a lot in a park for nine months or more.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.32 DEFINITION OF TENANT

"Tenant" means the owner or operator of a recreational vehicle who has occupied a lot in a park for more than 30 consecutive days.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

ARTICLE 2 - GENERAL PROVISIONS

799.40 CUMULATIVE RIGHTS

The rights created by this chapter shall be cumulative and in addition to any other legal rights the management of a park may have against a defaulting occupant, tenant, or resident, or that an occupant, tenant, or resident may have against the management of a park.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.41 NOT APPLICABLE TO MOBILEHOMES

Nothing in this chapter shall apply to a mobilehome as defined in Section 18008 of the Health and Safety Code or to a manufactured home as defined in Section 18007 of the Health and Safety Code.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.42 NO WAIVER OF RIGHTS

No occupant registration agreement or tenant rental agreement shall contain a provision by which the occupant or tenant waives his or her rights under the provisions of this chapter, and any waiver of these rights shall be deemed contrary to public policy and void.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.43 REGISTRATION AGREEMENT

The registration agreement between a park and an occupant thereof shall be in writing and shall contain, in addition to the provisions otherwise required by law to be included, the term of the occupancy and the rent therefor, the fees, if any, to be charged for services which will be provided by the park, and a statement of the grounds for which a defaulting occupant's recreational vehicle may be removed as specified in Section 799.22 without a judicial hearing after the service of a 72-hour notice pursuant to this chapter and the telephone number of the local traffic law enforcement agency.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.44 RULES AND REGULATIONS

At the time of registration, an occupant shall be given a copy of the rules and regulations of the park.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.45 RENTAL AGREEMENT OPTIONAL

The management may offer a rental agreement to an occupant of the park who intends to remain in the park for a period in excess of 30 consecutive days.

(Repealed and added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.46 SIGN REQUIREMENT/REASONS FOR RV REMOVAL

At the entry to a recreational vehicle park, or within the separate designated section for recreational vehicles within a mobilehome park, there shall be displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Sections 799.22 and 1866 and containing the telephone number of the local traffic law enforcement agency. Nothing in this section shall prevent management from additionally displaying the sign in other locations within the park.

(Amended by Stats. 2004 (AB 1964 (Leslie), eff. 1/1/2005)

See Civil Code Sections 1866 and 1867 not included in the Recreational Vehicle Park Occupancy Law but affecting recreational vehicle and special occupancy parks.

ARTICLE 3 - DEFAULTING OCCUPANTS

799.55 72-HOUR NOTICE

Except as provided in subdivision (b) of Section 1866, as a prerequisite to the right of management to have a defaulting occupant's recreational vehicle removed from the lot which is the subject of the registration agreement between the park and the occupant pursuant to Section 799.57, the management shall serve a 72-hour written notice as prescribed in Section 799.56. A defaulting occupant may correct his or her payment deficiency within the 72-hour period during normal business hours.

(Amended by Stats. 2004, Chap. 530 (AB 1964, Leslie), eff. 1/1/2005)

799.56 SERVICE OF 72-HOUR NOTICE

(a) The 72-hour written notice shall be served by delivering a copy to the defaulting occupant personally or to a person of suitable age and discretion who is occupying the recreational vehicle located on the lot. In the latter event, a copy of the notice shall also be affixed in a conspicuous place on the recreational vehicle and shall be sent through the mail addressed to the occupant at the place where the property is located and, if available, any other address which the occupant has provided to management in the registration agreement. Delivery of the 72-hour notice to a defaulting occupant who is incapable of removing the occupant's recreational vehicle from the park because of a physical incapacity shall not be sufficient to satisfy the requirements of this section.

(b) In the event that the defaulting occupant is incapable of removing the occupant's recreational vehicle from the park because of a physical incapacity or because the recreational vehicle is not motorized and cannot be moved by the occupant's vehicle, the default shall be cured within 72 hours, but the date to quit shall be no less than seven days after service of the notice.

(c) The management shall also serve a copy of the notice to the city police if the park is located in a city, or, if the park is located in an unincorporated area, to the county sheriff.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.57 NOTICE OF RV REMOVAL

The written 72-hour notice shall state that if the defaulting occupant does not remove the recreational vehicle from the premises of the park within 72 hours after receipt of the notice, the management has authority pursuant to Section 799.58 to have the recreational vehicle removed from the lot to the nearest secured storage facility.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.58 RV REMOVAL/NOTICE TO SHERIFF

Subsequent to serving a copy of the notice specified in this article to the city police or county sheriff, whichever is appropriate, and after the expiration of 72 hours following service of the notice on the defaulting occupant, the police or sheriff, shall remove or cause to be removed any person in the recreational vehicle. The management may then remove or cause the removal of a defaulting occupant's recreational vehicle parked on the premises of the park to the nearest secured storage facility. The notice shall be void seven days after the date of service of the notice.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.59 REASONABLE CARE IN RV REMOVAL

When the management removes or causes the removal of a defaulting occupant's recreational vehicle, the management and the individual or entity that removes the recreational vehicle shall exercise reasonable and ordinary care in removing the recreational vehicle to the storage area.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

ARTICLE 4 - DEFAULTING TENANTS

799.65 FIVE DAYS TO PAY DUE RENT/THREE-DAY NOTICE TO VACATE

The management may terminate the tenancy of a defaulting tenant for nonpayment of rent, utilities, or reasonable incidental service charges, provided the amount due shall have been unpaid for a period of five days from its due date, and provided the tenant has been given a three-day written notice subsequent to that five-day period to pay the total amount due or to vacate the park. For purposes of this section, the five-day period does not include the date the payment is due.

The three-day notice shall be given to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure. Any payment of the total charges due, prior to the expiration of the three-day period, shall cure any default of the tenant. In the event the tenant does not pay prior to the expiration of the three-day notice period, the tenant shall remain liable for all payments due up until the time the tenancy is vacated.

(Added by Stats. 1992 , Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.66 THIRTY DAYS' NOTICE OF TERMINATION

The management may terminate or refuse to renew the right of occupancy of a tenant for other than nonpayment of rent or other charges upon the giving of a written notice to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the recreational vehicle from the park. The notice need not state the cause for termination but shall provide not less than 30 days' notice of termination of tenancy.

(Amended by Stats. 1994 Chap. 677 (SB 1349, Wyman), eff. 1/1/1995)

799.67 EVICTION PROCEDURES

Evictions pursuant to this article shall be subject to the requirements set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, except as otherwise provided in this article.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

ARTICLE 5 - DEFAULTING RESIDENTS

799.70 TERMINATION OF TENANCY/NOTICE

The management may terminate or refuse to renew the right of occupancy of a defaulting resident upon the giving of a written notice to the defaulting resident in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the recreational vehicle from the park. This notice shall provide not less than 60 days' notice of termination of the right of occupancy and shall specify one of the following reasons for the termination of the right of occupancy:

(a) Nonpayment of rent, utilities, or reasonable incidental service charges; provided, that the amount due has been unpaid for a period of five days from its due date, and provided that the resident shall be given a three-day written notice subsequent to that five-day period to pay the total amount due or to vacate the park. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day notice shall be given to the resident in the manner prescribed by Section 1162 of the Code of Civil Procedure. The three-day notice may be given at the same time as the 60-day notice required for termination of the right of occupancy; provided, however, that any payment of the total charges due, prior to the expiration of the three-day period, shall cure any default of the resident. In the event the resident does not pay prior to the expiration of the three-day notice period, the resident shall remain liable for all payments due up until the time the tenancy is vacated.

(b) Failure of the resident to comply with a local ordinance or state law or regulation relating to the recreational vehicle park or recreational vehicles within a reasonable time after the resident or the management receives a notice of noncompliance from the appropriate governmental agency and the resident has been provided with a copy of that notice.

(c) Conduct by the resident or guest, upon the park premises, which constitutes a substantial annoyance to other occupants, tenants, or residents.

(d) Conviction of the resident of prostitution, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the park, including, but not limited to, within the resident's recreational vehicle.

However, the right of occupancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the recreational vehicle.

(e) Failure of the resident or a guest to comply with a rule or regulation of the park which is part of the rental agreement or any amendment thereto.

No act or omission of the resident or guest shall constitute a failure to comply with a rule or regulation unless the resident has been notified in writing of the violation and has failed to correct the violation within seven days of the issuance of the written notification.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.71 EVICTION PROCEDURES

Evictions pursuant to this article shall be subject to the requirements set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, except as otherwise provided in this article.

(Added by AB 3074, Ch. 310 (1992), eff. 1/1/1993)

ARTICLE 6 - LIENS FOR RV'S AND ABANDONED POSSESSIONS

799.75 UPON DEFAULT/CIVIL CODE PROCEDURE

The management shall have a lien upon the recreational vehicle and the contents therein for the proper charges due from a defaulting occupant, tenant, or resident. Such a lien shall be identical to that authorized by Section 1861, and shall be enforced as provided by Sections 1861 to 1861.28, inclusive. Disposition of any possessions abandoned by an occupant, tenant, or resident at a park shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

ARTICLE 7 - ACTIONS AND PROCEEDINGS

799.78 ATTORNEY'S FEES AND COSTS

In any action arising out of the provisions of this chapter, the prevailing party shall be entitled to reasonable attorney's fees and costs. A party shall be deemed a prevailing party for the purposes of this section if the judgment is rendered in his or her favor or where the litigation is dismissed in his or her favor prior to or during the trial, unless the parties otherwise agree in the settlement or compromise.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

799.79 $500 DAMAGES/WILLFUL VIOLATIONS BY MANAGEMENT

In the event that an occupant, tenant, or resident or a former occupant, tenant, or resident is the prevailing party in a civil action against the management to enforce his or her rights under this chapter, the occupant, tenant, or resident, in addition to damages afforded by law, may, in the discretion of the court, be awarded an amount not to exceed five hundred dollars ($500) for each willful violation of any provision of this chapter by the management.

(Added by Stats. 1992, Chap. 310 (AB 3074, Wyman), eff. 1/1/1993)

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#1 **Does state law regulate rent increases in mobilehome parks?**

No, state law does not regulate the amount of a rent increase in a mobilehome park. Rent stabilization is a "local control issue". The MRL does require a park to give residents a 90-day advance written notice of a rent increase (Civil Code §798.39). If residents are on a long-term lease, the lease would govern the percentage and frequency of rent increases, with increases not less than every 90 days as required by law. If residents sign a long-term lease of more than one year in length, state law provides that the lease is exempt from any local rent control ordinance now in existence or enacted in the future. (Civil Code §798.17(a)(1)) (Approximately 102 local jurisdictions have some form of rent control for mobilehome parks.)

Recap:

- State law does not regulate the amount of a rent increase. It is a local control issue.
- A 90-day advance written notice of rent increase is required.
- If resident is on a long-term lease, check the language in lease for frequency (not less than every 90 days) and percentage of increases.

#2 **Can the park charge separate "maintenance" or "pass-through" fees in addition to the rent?**

Yes, if the resident's signed lease or rental agreement provides for assessments or fees for maintenance, among other services. If not mentioned in the lease, a new fee would have to be for a service actually rendered, such as trash pick-up, and would require a 60-day advance written notice. (Civil Code §798.32(a)) If the resident signs a new lease or rental agreement that includes these fees, they are agreeing to pay the fees. State law does not require a notice requirement for an increase in an already existing fee. Local jurisdictions with mobilehome park rent control ordinances may regulate fees or pass-through costs which parks charge their residents. Some ordinances, for example, distinguish capital improvements from maintenance, allowing a pass-through fee of certain capital improvements (not including maintenance) amortized over a period of time.

Recap:

- A 60-day advance written notice is required for a new fee if it is not mentioned in the lease.
- Notice is not required for an increase in an existing fee.

#3 **A 90-day written notice of rent increase was delivered late. Is this notice legal?**

No. The MRL provides for residents to receive the 90-day written notice of a rent increase before the date of the increase. (Civil Code §798.30) Any notice required by the MRL shall either be delivered and received in-person or by U.S. mail, postage prepaid. (Civil Code §798.14) Actual receipt of the notice less than 90 days before the increase is not a 90-day notice.

Recap:

- A 90-day written advance notice must be received by residents 90 days before increase.
- The notice must be delivered in-person or by U.S. mail.

#4 **Can the park charge residents for back-rent that was miscalculated because of the manager's mistake?**

It depends on the situation. If the park rental agreement or lease stipulates the monthly rent for the term of the lease, and there is no provision in the lease for a contingency, such as an increase due to management error, then back-rent could not be charged. However, if residents have signed a rental agreement that provides that back-rent may be charged in the event of a management miscalculation or error, then the additional rent could be charged with a 90-day notice.

Recap:

- If not specified in lease or rental agreement, then collection of back-rent is not allowable.
- If back-rent is allowed under terms of lease or rental agreement, then a 90-day advance written notice is required.

#5 **Can the park owner require a deposit or fee for use of the clubhouse by the homeowners association?**

No, however there are certain exceptions. The MRL provides that a park rental agreement or rule or regulation shall not deny a homeowner or resident the right to hold meetings for a lawful purpose in the clubhouse at reasonable times and in a reasonable manner, when the facility is not otherwise in use. (Civil Code §798.51(a)(1)) Homeowners or residents may not be charged a cleaning deposit or require liability insurance in order to use the clubhouse for meetings relating to mobilehome living or for social or educational purposes and to which all homeowners are allowed to attend. (Civil Code §798.51(b)) However, the park may require a liability insurance

binder when alcoholic beverages are served. (Civil Code §798.51(c)) If a homeowner reserves the clubhouse for a private function to which all park residents are not invited, the park could charge a fee or deposit.

Recap:

- No fee may be charged for homeowner functions.
- A liability insurance fee may be charged if alcohol is served.
- A fee may be charged for private parties.

#6 **Can the park charge first and last months' rent plus a 2-month security deposit?**

Normally, when a mobilehome owner is accepted for residency in a mobilehome park and signs a rental agreement, charging first month's rent and a 2-month security deposit are permitted. (Civil Code §798.39) After one full year of satisfactory residency (meaning all rent and fees have been paid during that time), the resident is entitled to request a refund of the 2-month security deposit, or may request a refund at the time he or she vacates the park and sells the home. (Civil Code §798.39(b))

Recap:

- A 2-month security deposit may be charged.
- A security deposit refund is allowed after one year if all rent and fees have been paid.

#7 **Can the resident refuse to pay the rent or deduct a certain amount from the rent if water in the park is cut off?**

No. Refusing to pay the rent or paying a reduced rent could lead to the residents' termination of tenancy unless residents are willing to chance an eviction and use the lack of water as a defense. Instead, residents should file an emergency complaint with the Department of Housing (HCD) or a local enforcement agency if the local agency has jurisdiction over the lack of water in the park. An inspector can then cite the park for failing to provide adequate water and require the park to furnish bottled water and alternative bathing facilities until the water problem is fixed. The MRL requires the park to maintain the common facilities (which include the utilities) in good working order and condition. (Civil Code §798.15(d))

Recap:

- Resident is not allowed to deduct rent in case of utility shut-off.
- If there is lack of water, alert the code enforcement agency.

#8 **Can the park evict a resident for not paying rent even though the park's Permit to Operate has been invalid for a year?**

It depends. If the Permit to Operate (PTO) is officially suspended by the state Department of Housing (HCD) for more than 30 consecutive days, the park cannot legally collect rent from residents until the permit is re-instated. Until the PTO is officially suspended by HCD however -- despite the fact that the PTO fee may not been paid to the state in a year -- residents who withhold rent from the park may be subject to a notice of termination of tenancy by the management.

Recap:

- If the park's PTO is officially suspended by HCD, then the park cannot legally collect rent.

#9 **Can the park charge the resident a late fee if they missed paying the rent and utility bill by one day?**

Late fees on rents, utility charges or other pass-through fees are not regulated by the MRL, however, California court cases regarding late fees generally have upheld residential leases with preset late penalties if they bear a reasonable relationship to the actual damages that could be anticipated or sustained by the landlord for late payment, such as administrative costs relating to accounting for and collecting the late payments. For example, a 3% charge for late payment of rent ($15 on a $500 rent bill) is probably going to be construed as reasonable. Whether $50 is reasonable depends on the outstanding amount of the late rent and utilities owed.

Recap:

- If the signed lease or rental agreement stipulates a late fee, then the resident must pay.

#10 **Why do residents have to pay taxes on their mobilehomes in addition to paying the park owner a fee for property taxes?**

Mobilehome owners, who are park residents, pay for the park's property taxes either through their rent or sometimes through separate pass-through fees for property taxes, or property tax increases, on the park property. Yet mobilehome owners may also be liable for an individual property tax to the county on their home and accessory structures. Prior to July 1, 1980 most mobilehomes were taxed like vehicles by the state with a vehicle

license fee (VLF) in lieu of local property taxes. However, the law was changed in 1979 to subject new mobilehomes and manufactured homes sold on or after July 1, 1980 to local property taxes instead of the VLF. Pre-July 1980 homes remain on the VLF unless the owner voluntarily switches the home to the local property tax system. Tax law does not allow the county assessor to base assessment of taxes on mobilehomes in parks on the value of the park land or space. Hence, the mobilehome owner's property tax is separate from the property tax on the park owner's land.

Recap:

- Resident pays the park's property tax pass-through fee. Resident may also have to pay county's tax assessment on their home and accessory structures.
- Before July 1, 1980, mobilehomes pay Vehicle License Fee.
- After July 1, 1980, new mobilehomes pay property taxes, separate from the tax assessment on park property.

#11 **How can a resident get their taxes reduced?**

Local property taxes are based on 1% of the assessed value (AV) of the property or home, plus any local bonded debt, such as school bonds. Under the California Constitution (Article VIIIA), the county assessor may increase the AV by 2% a year; however, when a home is sold and ownership is transferred, the assessor may re-assess the property (usually to the higher selling price or value). Therefore, homes that have been resold in a "good" real estate market have been reassessed at higher values, sometimes significantly higher, than those that have remained under the same ownership for years with the application of the annual 2% formula. Since the 2007 recession, many homes have decreased in value as sales go wanting. Mobilehome owners, like owners of conventional homes, who feel their taxes are too high in the current market, may file an appeal with the county assessment appeals board to see if they can get their AV, and thus their taxes, reduced. The burden, however, is on the homeowner to produce evidence that his or her home is worth less than the assessor's valuation. This can be done by getting a private appraisal(s) and producing documents showing the reduced or selling prices of similar mobilehomes in the park or in similar parks in the community. Information on how to apply and the deadlines for applying may be obtained from the local county tax assessor's office.

Recap:

- File an appeal with the county tax assessor and be prepared to prove that the value of the mobilehome is worth less than the assessed value.

#12 **Must the park owner accept Section 8 vouchers?**

Section 8 is a federal program (Housing and Urban Development), and federal law does not require landlords to accept Section 8 rent vouchers. Landlords who accept Section 8 enter into agreements or contracts with the county that administers the program and must abide by the Section 8 terms for the period of the agreement, which is normally a set number of years. Because of Section 8 restrictions, some landlords have opted-out of Section 8 at the end of their agreements. The local county housing agency has information regarding availability of rent vouchers.

Recap:

- The park owner does not have to accept Section 8 rent vouchers.

#13 **Where can residents get help if they suspect they are being overcharged on utility bills?**

Most parks are "master-meter" operators that own, operate and maintain the electric, gas and water distribution system within the park and bill their residents with the monthly rent statement. Under the state Public Utilities Code, master-meter customers (parks) shall charge no more than the local serving utility would charge a resident, including passing through any low-income rebates or discounts, such as "CARE." Residents can call County Weights and Measures (W&M) to have them check the accuracy of their meters and assure they have been correctly calibrated. Some W&M offices are willing to look into billing complaints, such as failure to provide proper billings or post rates, but most only check the accuracy of the meters. The California Public Utilities Commission (CPUC) is required to take informal complaints (800-649-7570) from residents in master-meter parks. The CPUC often refers these complaints to the serving utility to work out with the park management. If a third party billing agent prepares the utility billings for the park, the management shall disclose the contact information of the billing agent on residents' billings. (Civil Code §798.40(b))

Recap:

- The resident must prove overcharges.
- CPUC is required to take informal complaints (800-649-7570).

● Contact information for the third party billing agent must be disclosed on the residents' utility billings.

#14 **Can the park start billing residents for utilities that were previously included in the rent?**

If the residents' rental agreement provides that sewer, water and garbage are included in the rent, the park management may elect to itemize or charge separately for these utilities. (Civil Code §798.41) In this case, the average monthly amount of the utility charges shall be deducted from the rent. If the rental agreement does not specifically indicate that utility charges are included in the rent, then the park owner could charge for them after complying with the 60-day written notice requirement. (Civil Code §798.32)

Recap:

● If the lease or rental agreement stipulates separate charges, then the resident must pay accordingly.
● If it is not stipulated in the lease or rental agreement, then the park must give a 60-day advance written notice of an itemized billing.

#15 **Do residents have to pay the cable TV service fee even if they don't use it? Also, can the park prohibit satellite dishes?**

The park can charge a fee for services actually rendered with a 60-day notice if it is not already provided for in the rental agreement. (Civil Code §§798.31, 798.32) If the resident has signed a long-term lease agreeing to pay the fee, they may be obligated to continue to pay it until the end of the term of the lease. A 1997 California appellate case, Greening v. Johnson, held that cable TV is not an essential utility and a park cannot charge a resident a fee for such a service not actually used by the resident. Moreover, the Telecommunication Act of 1996 provides that community rules and regulations or local ordinances cannot prohibit the installation of a dish antenna on one's home or property if it is not more than 39 inches in diameter and does not constitute a health and safety problem. Park rules can regulate placement or design of the antenna on the home if reasonable (e.g. rules don't preclude acceptable reception) but cannot ban satellite dishes outright.

Recap:

● If stipulated in the signed lease or rental agreement, resident must pay the fee.
● If not stipulated in the lease or rental agreement, then the park must provide a 60-day advance written notice of a fee for service actually rendered.
● Cable TV is not an essential utility, therefore the park cannot charge a non-user.
● Satellite dishes are allowable, but with strict guidelines.

#16 **Some residents' water usage is down, but their water bill has increased. How do they find out if they are being overcharged?**

Contact the park management. If the park cannot help, call the County Sealer (Weights and Measures) and ask them to check the accuracy of the meter. Check for plumbing leaks under home or in fixtures. If none of these steps resolve the problem, the resident may wish to file a complaint with the California Public Utilities Commission (CPUC) about rate issues and overcharges but only if the park receives water from a water utility or supplier regulated by the CPUC. If water is CPUC-regulated, resident may only be charged a water rate that the regulated utility would be able to charge residents if they were served directly by the utility. This would include a usage rate and a customer service charge (for meter reading and service). However, the majority of parks are not served by regulated water utilities but by municipalities, water districts, utility districts, or even the park's own water well system, and are not regulated by the CPUC. One exception is that the CPUC may take complaints from residents of parks regarding service or rates charged by parks using their own water systems or underground wells. If the park is subject to local mobilehome park rent control, rent control authorities may be able to provide some relief depending upon how the rent ordinance is written or administered. Otherwise, the resident would have to complain to the appropriate governing board of the municipality, water or utility district actually furnishing water to the park.

Recap:

● In a park with metered water served by regulated water districts: check bill calculations, see manager, call county, or file a complaint with the CPUC.
● If it is a park without metered water and not served by a regulated water district: call the local water board.

#17 **Construction work is scheduled in the park that I manage. Do I have to contact the local utilities first?**

Instead of calling the local utilities, dial 811 and be connected to the appropriate regional notification center that will contact the subsurface installation operators. The subsurface installation operator will then mark the lines that

they own, operate or maintain within the area where you will be digging. (Government Code §4216.2)

#18 **Can the park manager force residents to sign a long-term lease, causing them to lose rent control protections?**

If the resident is currently a homeowner residing in the park, then they may reject a long-term lease and opt for a shorter-term lease. In the case of a prospective buyer of a home in the park who is not yet a resident, their right not to sign such a long lease is less clear. A rental agreement or lease with a term of more than 12 months is exempt from any rent control ordinance. (Civil Code §798.17) The resident may reject a long-term lease after reviewing it and opt for an annual or month-to-month rental agreement. (Civil Code §798.18) If the resident elects to have a rental agreement for 12 months or less, the rent charges and conditions shall be the same as those offered in the longer-term lease during the first 12 months (Civil Code §798.18). Not all long-term leases are bad for homeowners, and some may provide rent stability for years that month-to-month or annual tenancy does not, particularly in localities where rent control will probably never be enacted. (See also #19)

Recap:

- Current homeowners residing in the park have the option of signing a short-term lease agreement with charges and conditions that are the same as in a long-term lease.
- Buyers, or prospective residents, may not have the option to reject a long-term lease.
- Residents have 30 days to review and accept or reject a long-term lease.

#19 **Is the park required to provide a lease agreement in the language of the resident if the resident is non-English speaking?**

Not in most cases. Civil Code Sec. 1632 provides that a person engaged in a trade or business, who negotiates a contract or lease -- including a rental agreement covering a dwelling, apartment or mobilehome -- in Spanish, Chinese, Tagalog, Vietnamese, or Korean, shall provide the other party, if he or she requests it, with a written copy of the contract or agreement in that language prior to execution of the document. However, this provision does not apply to contracts or agreements negotiated with the use of an interpreter, or to month-to-month rental agreements. Additionally, most mobilehome parks do not "negotiate" their leases with homeowners or prospective homeowners, but rather offer the lease on a "take it or leave it" basis.

Recap:

- Most mobilehome lease contracts are not negotiated and therefore they do not have to be offered in languages other than in English.

#20 **Does a resident have to sign a long-term lease, or are there other options?**

Homeowners living in a park have the right to review the proposed long-term lease and to reject it within 30 days and opt instead for a 12-month lease agreement or month-to-month rental agreement. (Civil Code §798.17(b)) If a homeowner rejects a long term lease, then the park cannot increase the rent above the terms provided for in the rejected long-term lease, for a year after the rejection date. (Civil Code §§798.17(c), 798.18(b)) A homeowner living in the park is entitled to a 12-month agreement or month-to-month, if they ask for it. (Civil Code 798.18(a)). (See also Question #18)

Recap:

- The resident has 30 days to accept or reject a long-term lease.
- The resident has the option of a month-to-month or annual rental agreement.
- If the lease is rejected, no increase in rent is allowed, above the terms of the lease, for a year.

#21 **Can the park evict a resident for payment of late rent even though their rental history shows they eventually pay the full rent?**

Yes. The MRL (Civil Code 798.56(e)) gives homeowners five days after the due date to pay the monthly rent and a 3-day notice thereafter to pay the rent (in 3 days) or be subject to termination of tenancy in 60 days. If a homeowner pays the rent within the 3-day grace period, the 60-day termination of tenancy is voided. However, the homeowner can only pay the rent late three times in a 12-month period. If a homeowner is late a fourth time within any 12-month timeframe, the park can refuse to accept the late rent and proceed with eviction after 60 days. Civil Code Sec. 798.56(e)(1) has a specific boldface warning notice about this "three strikes" provision, which must be included in each 3-day notice given by the management to the homeowner.

Recap:

- The resident has five days from the due date to pay rent.
- If the rent is late, the park can give the resident a 3-day notice to pay or risk eviction in 60 days.

● The resident can be late only three times in a 12-month period.

#22 **Is the park allowed to issue an eviction notice to a resident and then refuse to talk about it and return their rent check?**

In a mobilehome park, a resident's tenancy can only be terminated for just cause, meaning they can only be evicted for the seven reasons specified in state code, including violation of a park rule or regulation. (Civil Code §§798.55, 798.56) The park management must give the resident a 60-day notice (Civil Code §798.55(b)(1)), but if the resident refuses to move after the 60-day period, the park management can take the resident to court in what is known as an unlawful detainer action. There the resident would have the opportunity to tell the judge their side of the story. If the resident is evicted, and depending upon the court's decision, the resident may be required to pay the management's attorney fees (Civil Code §798.55(d)), in addition to having to leave the park. Management is required to specify the rule broken and explain the details and give the resident seven days to correct the rule violation. (Civil Code §798.56(d)) If the resident violates the rule more than twice in a 12-month period, on the third violation, the management may proceed with termination whether or not the resident has cured the violation ("3 strikes"). (Civil Code §798.56(e)(5))

Recap:

● The park manager must specify which rule was broken and explain the details.
● The park must give the resident seven days to correct the rule violation.
● If the resident violates a rule more than twice in a 12-month period, the park may proceed with eviction whether or not the resident corrected the violation.

#23 **Can the park end a resident's tenancy by refusing to enter into a new rental agreement?**

No, not if the resident is a homeowner. Under the MRL, homeowners normally rent under a month-to-month or 12-month rental agreement or long-term lease of more than one year. When the term of the rental agreement is up, the management cannot elect to end the tenancy but must offer a 12-month or month-to-month agreement if requested by the homeowner. Residents who own their mobilehomes in the park cannot be evicted because their lease has expired -- only if they have not paid the rent, or have violated park rules or regulations. (Civil Code §798.56) However, if the resident is a tenant -- not a homeowner -- who rents a park-owned mobilehome, such a tenancy would be governed by conventional landlord-tenant law. In that case, the park can terminate the tenancy without a reason with a 30-day notice.

Recap:

● The park cannot terminate a resident's tenancy when the lease or rental agreement expires – only when the rent has not been paid or a rule has been violated.

#24 **For residents who do not own the mobilehome they are living in, what rights do they have in the case of an eviction?**

The MRL eviction protections and procedures only apply to homeowners who own their own homes and rent their spaces, not to tenants who rent mobilehomes owned by the park, park management, or other persons. Certain sections of the MRL do apply specifically to both homeowners and "residents" (Civil Code §798.11). However, the MRL's "just cause" eviction provisions (Civil Code §798.56) do not apply to residents who rent mobilehomes owned by others. They would be subject to the requirements of conventional landlord-tenant law (Civil Code §1940 et seq.). In such a case for these tenants, where there is a notice of eviction without any reason, tenants living in the rental home for less than a year generally would be entitled to a 30-day notice of termination; those living there for a year or more, are entitled to a 60-day notice if eviction is without cause. (Exceptions to the 60-day requirement are in Civil Code §1946.1.)

Recap:

● Tenants who live in the mobilehome which they own are covered under the provisions of the MRL.
● Tenants living in rental mobilehomes are subject to eviction protections and procedures in landlord-tenant law, not the MRL.
● Tenants in rental homes for less than a year generally are entitled to a 30-day notice of termination if there is no cause for termination.
● Tenants in rental homes for a year or more generally are entitled to a 60-day notice of termination if there is no cause for termination.

#25 **Do residents have any rights to compensation for being dislocated when the park closes down?**

Mobilehome park residents' associations have rights under the notice requirements in the MRL (Civil Code §798.80), and potential relocation assistance under the state Government Code. Where no city permits are required to close or convert the park to another use, the park must give residents at least a one-year written notice of termination of tenancy. (Civil Code §798.56(g)) Where local permits are required, which is usually the case, the park must give residents a 15-day written notice that park management will appear before a local board or planning commission to request permits for a change of use. At the same time, the park must make public the impact report requirements (Civil Code §798.56(h)), and only after approval of all permits by the city can the park then give the residents a 6-month notice of termination. (Govt. §65863.7) Upon approval of the closure or conversion of a mobilehome park to another use, the park must render an impact report to the city on the effect the conversion will have on the residents' dislocation and their ability to find alternative housing. (Govt. §65863.7) The city must then hold a hearing on the impact report and may require the park to pay the reasonable costs of relocation to displaced residents as a condition for obtaining various permits to convert the park and develop the land for another use. Usually this takes several hearings and a number of months. Actual relocation assistance afforded to residents is determined by the city, usually the planning commission or a delegated committee or agency of the commission. Often local governments will have a mobilehome park conversion ordinance which parallels the requirements of state law and fills in the details of the relocation assistance that may be required by the city, whether it is actual relocation of the mobilehome or a buy-out of the home, and how the mobilehome is to be valued for these purposes. If the park is to be subdivided into individual parcels (where a conventional subdivision will replace the park) and where a tentative or final map is required, the city may impose even more stringent relocation requirements. (Govt. Code §66427.4.) Local officials are the final arbiters of any relocation assistance to which displaced mobilehome owners may be entitled.

Recap:

- If no local permits are required for park closure or conversion, then the park must give residents at least one year advance written notice.
- If local permits are required for park closure or conversion, then the park must proceed with relocation guidelines established by state and local law.
- Local officials are the final arbiters of any relocation assistance.

#26 **Do mobilehome park rules prevail over state law?**

No. The park rental agreement and the park rules and regulations must be consistent with the MRL and other laws that apply in parks. For example, a park rental agreement or rule that provides the park may increase the rent with a 30-day notice to a homeowner who owns the mobilehome in the park would be in conflict with Civil Code Sec. 798.30, which provides that such a rent increase requires a 90-day notice. In this example, the MRL prevails over the conflicting park rule.

Recap:

- State laws prevail over park rules.

#26.1 **Is the park manager responsible for distributing the Mobilehome Residency Law to every resident annually?**

Prior to February 1 of each year, if a significant change was made to the MRL, the park owner or manager shall provide all homeowners with a copy of the MRL, or provide written notice to all homeowners that there has been a change to the MRL and that homeowners may obtain a copy of the MRL from the management at no charge. Upon request of the homeowner, management must provide a copy within seven days. (Civil Code §798.15(c)). NOTE: The management must provide a copy of the MRL only, as specified. The MRL is Civil Code 798-798.88. Management is not required to distribute the handbook published by the State Senate, casually referred to as "The MRL."

#26.2 **When will the CA State Senate's MRL handbook be translated? There is great demand for Spanish, Vietnamese and other languages.**

For many years, the State Senate translated the MRL into Spanish. At one time the MRL was also available in Vietnamese. The last Spanish translation was done in 2012, and the last Vietnamese translation was done in 2007. Over the years, budget cuts have made it impossible to acquire updated translations. Since the MRL is in the public domain, communities may translate the MRL for their members.

#27 **Do the protections of the MRL apply to all residents in mobilehome parks, or do they only apply to homeowners?**
Many of the most important provisions of the MRL expressly apply to homeowners only, such as the terms and receipt of written leases (Civil Code §§798.15 and 798.18-798.19.5), amendment procedures for rules and regulations (Civil Code §798.25), fees and charges (Civil Code §§798.30-798.39.5), evictions (Civil Code §§798.55-798.56), and rental qualifications and procedures. On the other hand, issues dealing with a "community" of persons often include "residents", such as management entry into mobilehomes or park spaces (Civil Code §798.26), vehicle removal (Civil Code §798.26.5), communications and right to assemble (Civil Code §§798.50-798.52), and abatement of park nuisances, and injunctions for violating park rules (Civil Code §§798.87-798.88).
Recap:
● It has been interpreted that key provisions of the MRL apply only to homeowners.

#28 **Is the new park management allowed to change rules on long-time residents or are these residents "grandfathered-in" under the old rules?**
Existing residents are not exempt from park rule changes. According to the MRL (Civil Code §798.25), the park can change a park rule and regulation as it applies to existing residents, after giving residents six-month's notice of the change, or a 60-day notice if it involves changes in rules relating to the park's recreational facilities, such as the swimming pool or recreational facilities within the clubhouse. The management must also meet and confer with park residents, at the residents' request, upon a 6-month notice regarding a change in park rules but is not bound to accept residents' suggestions or requests regarding the rules. (Civil Code §798.25(b))
Recap:
● Existing residents are not exempt from park rule changes.
● A 6-month advance written notice is required for a rule change.
● A 60-day advance written notice is required if a rule change affects the common recreational facilities.

#29 **Can the park manager force rules on some residents and not on others?**
No. The MRL provides that the park rules and regulations have to be "reasonable." (Civil Code §798.56(d)) "Reasonable" often may be subject to court interpretation, but normally rules have to have some rational basis in fact under the circumstances, as well as apply evenly to everyone residing in the park. Park owners and their employees are required to abide by park rules to the same extent as residents have to, except rules regarding age limits or acts of the park owner or park employee undertaken to fulfill park maintenance, management or operational responsibilities (making noise by pounding nails, use of trucks for maintenance purposes, etc.). (Civil Code Sec. 798.23)
Recap:
● Park rules shall be applied evenly to everyone residing in the park.

#30 **Do residents have a say in the elimination of the retirement lifestyle promised when they moved in, and shouldn't the park have facilities for kids if they convert to an all-age park?**
Senior residents who have leases that provide that the park is a "retirement" or "senior" park and provide for specific facilities may have a case against diminution of services agreed upon in the lease or rental agreement.

The federal Fair Housing Amendments Act of 1988 prohibits discrimination against families with children in multiple residential housing but permits such housing, including mobilehome parks, to limit residency to seniors in one of two categories: 1) 55 and older, or 2) 62 and older, if the park meets certain minimum conditions. The major condition is that a minimum of 80% of the units are required to have at least one resident who is of age 55 or older. Federal law does not specifically address procedures for changing from a senior-only category to an all-age category, which in rental mobilehome parks under state law or by practice is often the sole decision of park management with a minimum notice. However, parks can lose their "senior" status if, upon a complaint, they fail to meet the statutory conditions, such as the 80% requirement. The law does not require parks or other multiple-residential housing complexes that convert to all-age to install playground or other facilities for children. Advocates of family housing have argued that such a requirement would drive up the cost of housing and discourage landlords from opening up restricted housing to families. Some local governments have imposed conditions on mobilehome park zoning or use permits by requiring parks, that were developed as "senior parks", to be maintained as "senior" unless otherwise approved by the city or county. It is not clear to what extent these local zoning or use permit requirements may conflict with the federal Fair Housing Amendments Act.
Recap:
● Lease agreements that stipulate "senior" status and provide for specific senior amenities could be viewed as

breached if the senior-status of the park is changed.

- Senior park status requires 80% of park units to have at least one resident 55 or older.
- The law does not require parks that are converted to "all-age" to install children's recreational facilities.
- No federal law specifically addresses guidelines for changing from "senior" to "all-age".

#31 **Is it legal for our all-age park to change back to a senior-only park?**

This is an issue that has changed over the years. Pursuant to the passage of the Federal Fair Housing Amendments Act in 1988, and the adoption of federal HUD regulations to carry out the Act, it was originally believed that multiple residential communities could not backtrack once they had decided to open up to an "all-age" status. However, under the Housing for Older Persons Act of 1995 (HOPA), which amended the 1988 Act, regulations established a transition period until 2000 to provide a mechanism for communities to become housing for older persons if they had abandoned or did not achieve such status before HOPA. Then, in 2006, HUD adopted a memo to clarify how communities that did not convert to housing for older persons before the 2000 transition period deadline could do so. If vacated spaces fill up with qualifying seniors (55 or older), and the park does not discourage or discriminate against younger people from buying available homes when these vacancies occur, the park can be "built back" to a senior status. However, this is difficult to achieve and few parks, once they become family parks, have been able to go back to a 55-or-older status.

Recap:

- Reverting to a senior-only park is allowable, but rarely achievable.

#32 **What rights do residents with disabilities have?**

Residents with disabilities are entitled to be free from harassment and discrimination in all aspects of housing. They also have a right to reasonable accommodation in rules, policies, practices, or services related to housing. This normally takes the form of a change in an existing rule, policy, practice or service, such as allowing an assistive animal even though the current rental agreement has a "no pet" provision. Residents with disabilities are also permitted, at their own expense and with proper permits, to modify their dwellings, e.g., by building a ramp, to ensure full enjoyment of the premises. (Civ. 798.29.6) Modifications require obtaining proper permits beforehand. For additional information, contact the state Department of Fair Employment and Housing at (800) 233-3212, or at *www.dfeh.ca.gov.*

Recap:

- Disabled homeowners have the right to reasonable accommodations.
- Disabled homeowners are permitted to modify their own homes with proper permits.

#33 **Can the government force park management to limit the number of people living in a mobilehome?**

The occupancy standard issue is difficult to solve. The issue has arisen at both the federal and state levels. Legislation has been considered but not enacted to create a "2 persons per bedroom plus 1" standard that is presently only a HUD guideline (e.g., if the home had 1 bedroom, the occupancy standard would be 3 persons; if the home had 2 bedrooms, the standard would be 5 persons, etc.). Proponents argue that occupancy standards are necessary to avoid overcrowding and unhealthy living conditions. Opponents contend that, especially in areas where the cost of housing is high, an occupancy standard may be interpreted as a form of discrimination against persons who can't afford larger homes. Some cities have attempted to legislate occupancy standards, only to have their ordinances challenged in court. Mobilehomes usually have a design standard established by the manufacturer as the recommended occupancy for the size of the home. The park manager could try to establish an occupancy standard in the park rules based upon the design standard of each home or the HUD guideline, but the rule could possibly be subject to legal challenge.

Recap:

- The HUD guideline (2 persons per bedroom, plus 1) is a design standard, not a law.

#34 **Does state law guarantee the park's clubhouse to be open and available at reasonable hours?**

Yes. In parks that have clubhouses or meeting halls, the MRL requires the common facilities to be open and available at reasonable hours, which are to be posted. (Civil Code §798.24) Homeowners may hold meetings at reasonable hours and in a reasonable manner in the clubhouse -- when it is not otherwise in use -- for any lawful purpose, including homeowner association meetings and meetings with public officials or candidates for public office. (Civil Code §798.51)

Recap:

- The park shall make the clubhouse available to residents at reasonable hours for lawful purposes.

#35 **Is it legal for parks to allow some residents to have pets and not allow others to have them?**

It depends on the terms of the rental or lease contract. The MRL permits pets in parks with certain limitations, such as one domesticated dog, cat, bird or aquatic animal (kept within an aquarium), subject to "reasonable" park rules. (Civil Code §798.33) However, persons who signed a rental agreement prior to January 1, 2001 with a provision prohibiting pets are bound to that provision until the rental agreement expires or is renewed. Persons moving into a park after January 1, 2001 would be allowed to have pets that conform to the park's rules as to size, height, or weight of the pet, and in some instances breed (e.g. some parks prohibit big dogs, pit bulls and certain breeds with so-called aggressive tendencies). However, a person with a disability has the right to have an assistive animal as a reasonable accommodation for the disability when necessary to ensure equal opportunity to use and enjoy the housing.

Recap:

- If the current rental agreement, with a "no pet" provision, was signed before 1/1/2001, then the resident is prohibited from having a pet.
- If the current rental agreement was signed after 1/1/2001, then the resident can have pets that conform to park rules.
- If the resident has a disability, then he/she may request an assistive animal as a reasonable accommodation for the disability.

#36 **I manage a park where pets and other animals are getting out-of-control. Some residents' dogs are aggressive toward other pets or residents, some residents feed feral cats, and some stray animals wander in packs. How do I solve these problems?**

Contact the city or county animal services department for assistance. Local government services include abatement or information on the following matters: barking/nuisance dogs, rodents, stray/feral, license/registration/microchip, dog bites, neglect/abuse, spay/neuter, and prohibited aggressive breeds. Also, according to California Code of Regulations, Title 25 (health and safety requirements for mobilehome parks), Article 2, Section 1114(a), "Dogs and other domestic animals, and cats (domestic or feral) shall not be permitted to roam at large (free) in any park." Finally, pet owners may be liable for damage or harm caused by their pets.

Recap:

- Contact city or county animal control agency. (See Resources, pg. 105.)
- Pet owner may be legally liable for damage or harm caused by their pet.
- Feral animals are not pets.

#37 **Is management allowed to restrict parking and have residents' cars towed?**

Residents or guests who park in fire lanes, or in front of park entrances or fire hydrants, can be towed without notice. Residents' cars cannot be towed from their own parking space or driveway unless the vehicle does not conform to the park rules, in which case a 7-day notice is required. (Civil Code §798.28.5) However, if a vehicle presents a significant danger to the health and safety of residents, or is parked in another resident's space and that resident requests it be removed, the vehicle could be towed without the 7-day notice. (Civil Code §798.25(b)(2)) The extensive provisions of Vehicle Code Sec. 22658 apply to both the management's and tow company's procedures in removal of the vehicle.

Recap:

- Management may have cars towed without notice if the parked car violates the health and safety of residents.
- Management may have cars towed, upon request, if one resident's car is parked in another resident's space.
- A 7-day written advance notice is required if a parked car does not conform to park rules.
- A 7-day notice is not required if a resident parks their car in another resident's space and the displaced resident requests the car be towed.

#38 **Can the park prevent residents from subleasing their mobilehome?**

Yes. Most mobilehome parks have rules that prohibit homeowners from subleasing their mobilehomes, even in hardship cases. However, in cases of seniors who require medical convalescence away from their homes, they may sublet for up to one year. (Civil Code §798.23.5)

Recap:

- The park may prohibit a resident from subleasing.

#39 **Is it legal to place RVs on mobilehome spaces?**

It depends on the circumstances. When mobilehome parks were first constructed, designation as a park would normally have been made as a condition of city or county use permits or zoning requirements. Therefore, the city would have to enforce the conditions of the permit or zoning ordinance. The State Department of Housing's Permit to Operate (PTO) reflects the number of mobilehome spaces and the number of RV lots. In the absence of local permit conditions though, a pre-1982 mobilehome park may allow RV's and mobilehomes to be situated on mobilehome spaces, but only RV's can be situated on RV spaces. In a mobilehome park developed after January 1, 1982, however, state law provides that mobilehome spaces shall not be rented for the accommodation of RVs unless they are in a separate area of the park designated for RVs and apart from the mobilehomes.

Recap:

- In parks developed before 1982: If there are no local permit or zoning restrictions, then RVs and mobilehomes may occupy mobilehome spaces, but mobilehomes may not occupy RV spaces.
- In parks developed after Jan. 1, 1982: No RVs are allowed on mobilehome spaces unless the mobilehome space is in the RV section of the park.

#40 **Can the manager evict a homeowner's caregiver from the park after the homeowner has died?**

It depends upon the circumstances. Generally, a caregiver – including a caregiver-relative – does not have the right to continue to live in the park even if he or she has inherited the mobilehome. The caregiver statute (Civil Code §798.34) recognizes that a senior homeowner has the right to have a caregiver, even someone who is 18 or older in a senior park, to assist them with medical needs under a doctor's treatment plan, but the caregiver resident has no right of residency (Civil Code 798.34(c), (d)) and is considered a guest of the homeowner. Therefore, when the homeowner dies, the caregiver's right to continue to live in the park normally ends. If, however, the caregiver was a party to the homeowner's rental agreement, or had otherwise been accepted for co-residency by the park while the homeowner was alive, the park could not evict the caregiver after the homeowner's death except for the same kind of reason they could have evicted the homeowner, such as failure to pay the rent. In either case, whether or not the caregiver has a right of residency in the park, if the caregiver inherits the home, he or she would have the right to resell it in place if they continue to pay the rent and fees and comply with other requirements of resale until the home is sold. (Civ. 798.78)

Recap:

- If the caregiver, or caregiver-heir is not listed on the rental or lease agreement, then they cannot assume they have inherited residency rights.
- The heir is responsible for rents and fees until the home is sold.

#41 **How do residents get the park owner to fix the failing utility systems?**

Contact the Department of Housing and Community Development (HCD) or local government, whichever has jurisdiction to inspect mobilehome parks. In more serious cases, residents may wish to consider legal counsel.

Recap:

- Contact the code enforcement agency -- either state Dept. of Housing or local health department.

#42 **Is the park manager allowed to force residents to correct code violations to their homes and spaces before a scheduled inspection by the state Dept. of Housing?**

The state Department of Housing (HCD) operates a park inspection program with a goal of completing inspections in at least 5% of the parks in the state per year in order to assure that a reasonable level of health and safety is maintained in those parks. The inspection includes the park common facilities, such as lighting, roads, clubhouse, utilities, and other facilities for which the park is responsible, as well as individual home site spaces, including the outside of the homes and accessory structures for which the homeowner is responsible. HCD inspectors do not go inside a home unless requested to do so by the homeowner. Citations for violations, depending upon how serious, must either be corrected as soon as possible or within 30 to 60 days. Inspectors have the authority to extend the deadline for compliance if the situation warrants it. Homeowners may appeal a citation to HCD if they feel it is unwarranted. (HCD does not have authority to assess fines against homeowners who do not comply.)

Recap:

- The park manager may urge residents to correct code violations on the outside of their homes or on their spaces,

or else the resident may risk citation by HCD.

#43 **Which government agency is responsible for enforcement of health and safety regulations in my park?**
In most cases, the state Department of Housing and Community Development has enforcement authority over mobilehome and RV parks. However, there are a few cities and counties that maintain code enforcement in their jurisdictions. View the "Mobilehome and Special Occupancy (RV) Parks listing" at *www.hcd.ca.gov* to find out which agency is responsible for code enforcement in your park.

#44 **What is the difference between the Mobilehome Residency Law (MRL) and Title 25?**
The MRL is the "landlord-tenant" law (Civil Code 798. et seq.) for mobilehome park residency, governing the rights of park residents. "Title 25", a section of the California Code of Regulations, governs the health and safety aspects of a mobilehome park's buildings, lot lines, and utilities infrastructure, to name a few. Find Title 25 at *www.hcd.ca.gov*.

#45 **Does the park manager have the right to tell me to remove my belongings that are stored on my space?**
The park manager has an obligation to keep the park safe from fire. According to California Code of Regulations, Title 25 (health and safety requirements for mobilehome parks), Article 2, Section 1120, "Occupants shall keep the lot area and the area under, around, or on their unit and accessory buildings or structures free from an accumulation of refuse, rubbish, paper, leaves, brush or other combustible material," and that park operators "…shall ensure that a collection system is provided and maintained, with covered containers, for the safe disposal of rubbish."
Recap:
- There are strict fire prevention rules for mobilehome parks. Residents and park employees must comply with Title 25.

#46 **Can the park manager reduce or eliminate park services and amenities that resident have been paying for in years?**
Yes, if the services or amenities are not guaranteed in a signed rental or lease agreement. However, if the services and amenities are part of a signed lease or rental agreement (Civil Code 798.15(f)), they may be eliminated with equal reduction in rent.
Recap:
- The park management can reduce or eliminate park features if they are not agreed upon in a signed lease or rental agreement.

#47 **Can the park owner or manager move lot lines without permission from residents whose spaces are affected?**
Before moving a lot line, the management must obtain a permit (H&S Code Sec. 18610.5) from the state Department of Housing and Community Development and verify that the park has obtained the consent of homeowners affected by the lot line change. However, in some older parks there are no markers or defined lot lines and no plot maps indicating where the lot lines should be. In cases where there is no documented evidence of original lot lines, HCD may not be able to determine that the lot line has been moved and that a permit is required. The issue then becomes a legal matter between the park management and the affected homeowners.
Recap:
- A permit is required from the state Dept. of Housing before the park moves lot lines.
- In old parks with no official lot line maps, moving lot lines may require legal or regulatory oversight.

#48 **Can the park manager force residents to pay for maintenance or removal of a tree on their space and for maintenance of their driveway?**
It depends on the facts of the case. The "tree and driveway" issue has been subject to major debate for years. A 1992 Department of Housing and Community Development (HCD) legal opinion characterized trees in mobilehome parks as fixtures belonging to the park owner, who is responsible for their maintenance. However, HCD legal counsel also opined that this responsibility could be delegated to the homeowner through the rental agreement. If the rental agreement requires the homeowner to be responsible for maintenance of the trees, then a 60-day notice probably does not have to be given, since it is already in the rental agreement. If the rental agreement does not make the homeowner responsible for maintenance of the trees, then the park owner is responsible for maintenance or removal of a tree on the homeowner's space only if it is a hazard or constitutes a health and safety

violation, as determined by the enforcement/inspection agency (usually HCD). (Civil Code §798.37.5) Homeowners may have to pay a fee for an inspection where there is a dispute between the park and the homeowner over the tree and where the homeowner requests an inspection by HCD or the local enforcement agency. Inspectors have wide discretion in this regard, and if the inspector does not find a violation, the homeowner may end up having to pay to remove the tree anyway.

With regard to driveways, the park owner is responsible for maintenance unless the homeowner has damaged the driveway or the driveway was installed by the homeowner. Legal counsel has suggested, however, that Civil Code Sec. 798.37.5(c) seems to leave open the question whether a current homeowner is responsible for maintenance of a driveway installed by a prior homeowner, arguing that such a prior installed fixture belongs to the park.

Recap:

- If the signed lease or rental agreement makes the homeowner responsible, then the homeowner must pay.
- If there is no stipulation of responsibility in the lease agreement, then the park is only responsible if it is a health and safety hazard.
- Driveways may be the responsibility of park unless the driveway was installed or damaged by the homeowner.

#49 **Is the mobilehome owner or the park owner responsible for correcting pre-existing code violations on the space?**

The mobilehome owner is responsible. (Civil Code 798.36). Although the park operator is ultimately responsible for assuring that all citations on park property are corrected, the law does not require the park operator to pay for code violations involving the home or space except in rare instances. The homeowner is primarily responsible for correcting any violations concerning the home or space on which he/she resides, including any pre-existing code violations after the sale of the home. This is one of the reasons that real estate disclosure was enacted in 2000 for mobilehome resales, although conditions not known to the seller cannot be disclosed. (Civil Code §1102.6d)

Recap:

- The homeowner is responsible for correcting any code violations in or on their home, space and accessory structures, including pre-existing code violations.

#50 **Does a resident need a permit from HCD to remodel their home, even though all the changes and upgrades are on the inside?**

Homeowners need a permit from the state Department of Housing and Community Development (HCD). Only HCD, not local government, may issue permits for alterations of a mobile home's structural, fire safety, electrical, plumbing or mechanical components. The two offices that handle such permits are:

Northern California Area
Field Operations
9342 Tech Center Drive, #550
Sacramento, CA 95826
(916) 255-2501

Southern California Area
Field Operations
3737 Main Street
Riverside, CA 92501
(951) 782-4420

Recap:

- Permits are required. No exceptions.

#51 **Is there financial assistance available to residents for correction of code violations on their homes?**

Many local governments have rehabilitation or repair grants for low income homeowners, including residents or owners of mobilehomes, in some cases. This money is made available through the CalHome program, operated by HCD, to local governments and non-profit organizations, as part of two housing bond issues approved by state voters in recent years. However, application must be made through local government, and not all local jurisdictions have such programs. There are usually income and residency eligibility requirements. Additionally, some jurisdictions do not consider mobilehomes "real property" eligible for rehab funding or may have restrictions on the kinds of repairs that will be funded. Contact the county housing agency for information on availability and eligibility.

Recap:

- The State passes money to the counties for home repair assistance to low-income mobilehome owners. Not all counties participate in this program.

#52 **The park owner is planning a "condo-conversion". Will homeowners who can't afford to either buy their lot, or pay the higher rents once the park loses rent control protection, be economically evicted?**

Not necessarily. A growing number of mobilehome park owners have been utilizing a special provision of the state's Subdivision Map Act to convert their parks to "resident owned condominiums" or "subdivisions", thus exempting the converted parks from local rent control after the sale of the first lot. Condominium interests in mobilehome park spaces must be offered to renting homeowners, and low-income homeowners who cannot afford to buy can continue to rent their spaces under a statute which limits rent increases, including "pre-conversion" pass-through fees, to the Consumer Price Index or less. (Govt. 66427.5(f)(2)) However, non-purchasing residents who are not low-income lose rent control protection upon the conversion and may have their rents increased to higher "market levels". The state's Mobilehome Park Resident Ownership Program (MPROP) provides limited financial assistance to low-income residents to help them buy their interests in resident-owned condo parks, and some local governments may also have financing to assist some as well.

Recap:

- Low-income renters keep rent control protections.
- Low-income buyers may qualify for state and local financial assistance.

#53 **Is the park owner required to offer residents the right-of-first-refusal to buy the park when it is put up for sale?**

No. Although the MRL provides that the park management must give the governing board of the park homeowners association a 30-day written notice of the park owner's intention to offer or list the park for sale, the notice is not a "right of first refusal," does not apply to sales other than to offers or listings initiated by the park owner, and is only applicable if certain conditions are met. (Civil Code §798.80) In order to receive the notice, residents must form a homeowners association for the purpose of buying the park and register with the Secretary of State. The homeowners association must notify the park each year of the residents' interest in buying the park. The notice requirement does not apply to the sale or transfer of the park to corporate affiliates, partners, or relatives, or transfers triggered by gift, devise, or operation of law, eminent domain, foreclosure, or transfers between joint tenants or tenants in common.

Recap:

- When selling the park, the park owner is not required to make the first offer to the homeowners' association.
- The homeowners' association may notify the park if it is interested in buying the park but it does not have the right of first refusal.

#54 **Which state laws regulate the operation of non-profit resident owned parks – the MRL, the Mobilehome Parks Act, the Non-Profit Mutual Benefit Corporation Law, or the Davis-Stirling Common Interest Development Act?**

All these laws may apply, but whether they do in a particular park depends upon the circumstances in each case and may require consultation with an attorney. Therefore, the following answer is only intended to have general application:

Mobilehome Residency Law (MRL). For a resident-owned park, Article 9 of the MRL, governing the relationship between residents and the park management (Civil Code §799 et. seq.), applies only to residents who have an ownership interest in the park, while Articles 1 through 8 (Sections 798 – 798.88), relating to rental parks, apply to any non-owning residents who continue to rent or lease their spaces in a resident-owned park.

Mobilehome Parks Act (Health & Safety Code 18200-18700). The MPA governs health and safety (building) code requirements for both rental parks and resident-owned parks that were converted from formerly rental parks, but the MPA in most cases does not apply to resident-owned parks that were originally developed as manufactured housing subdivisions or communities under local development standards, not rental parks.

Non-Profit Mutual Benefit Corporation Law (Corp. Code §7110, et. seq.). This law applies to a non-profit corporation which is a homeowners association that operates or governs a multiple residential community for the mutual benefit of the members of the association. However, the Corporations Code does not apply to unincorporated homeowners associations that operate such communities, of which there are estimated to be but a few.

Davis-Stirling Common Interest Development Act (Civil Code 4000-6150). This Act defines and regulates common interest developments (CIDs), including many resident-owned parks. In order to be a CID subject to the requirements of the Davis-Stirling Act, the park must 1) have a common area or common areas (such as roads, a club house, or other commonly used facilities) in addition to individual interests or residences, and 2) file with the county recorder a declaration of intent to create a CID along with a condominium plan, if applicable, or a final map or parcel map, if applicable, for the CID. In most cases where a resident-owned park is a condominium, planned

unit development (PUD), or subdivision, the Davis-Stirling Act will apply. However, non-profit stock cooperatives or other resident-owned parks that are not subdivisions or condominiums may also be subject to the Davis-Stirling Act if a simple declaration creating the CID is recorded. Without the recording of such a declaration, however, the Davis-Stirling Act does not apply.

Recap:

● Different laws apply. Check with an attorney.

#55 **Is a mobilehome park cooperative subject to the Davis-Stirling Act?**

The Davis-Stirling Act was specifically designed to apply to housing cooperatives, and in many cases it will be clear that the Act applies to those cooperatives. However, there will be some cases where the answer may be unclear.

There is no doubt that a cooperative can be a common interest development ("CID") that is governed by the Act. The term "common interest development" was defined to include "stock cooperatives." (Civ. Code §4100(d)) A stock cooperative is a kind of CID where a corporation owns all of the real property and shareholders have a right of exclusive occupation of part of the property (i.e., a designated lot). [See Civ. Code §4190 (defining "stock cooperative").]

However, there is a potential technical complication. The law also says that before any housing association may be considered a CID governed by the Davis-Stirling Act, it must also have recorded a "declaration." (Civ. Code §4200) If a mobile home community fits the definition of a "stock cooperative" and has a recorded declaration (as specified in Civil Code Section 4250), then it is nearly certain that it is governed by the Davis-Stirling Act. But if a stock cooperative does not have a recorded declaration that satisfies Section 4250, then there is an unanswered legal question about whether the Act applies.

Recap:

● A co-op can be a CID that is governed by Davis-Stirling, however, not all cases are clear. See an attorney.

#56 **Where can our HOA board find a copy of the original articles of incorporation?**

Contact the California Secretary of State's division of Business Programs at (916) 657-5448. Or, search online at *sos.ca.gov*, under the heading "Business Programs" to request copies.

#57 **Our HOA board may be violating CID laws. Is there an agency that enforces the law?**

There is no regulatory agency that enforces the statutes (Business & Professions Code, Civil Code, etc.) related to homeowners' governing boards. However, the California State Attorney General's office provides some enforcement of portions of the Corporations Code related to HOA governing boards. Depending on the nature of the problem, seek the advice of a private attorney, contact your local district attorney's office or bring your case to small claims court.

Recap:

● Contact the county Small Claims Court advisor for more information.

#58 **What can residents do about park managers who act unprofessionally?**

There are no state mandated qualifications to be a mobilehome park manager. Many are good managers, however a few lack professional training and oversight. The MRL gives residents certain rights, but when contentious issues have to be resolved, residents have a right to contact legal advocacy groups that will assist them in assessing and achieving a solution to the problem.

Recap:

● Contact local or state fair housing commission for counsel and assistance.

● Contact the county Small Claims Court advisor for more information.

#59 **What good is the MRL if there is no enforcement and residents have to go to court to protect themselves?**

The MRL – the landlord-tenant law for mobilehome parks -- is part of the Civil Code. The enforcement mechanism is through the civil courts, not law enforcement or another government agency. The courts are a branch of government responsible for, among other aspects, resolving or ruling on civil disputes.

Recap:

● The MRL is enforced through the courts.

● Contact the county Small Claims Court advisor for more information.

#60 **How can residents find-out who owns and operates the park?**

The manager shall provide the name and address of the park owner to residents who request it. (Civil Code §798.28) Also, listings of park owners/operators can be found on the state Department of Housing's (HCD's) Mobilehome and RV Parks Listing website.

Recap:

- For the name of the park owner or operator, search online at *www.hcd.ca.gov.*

#61 **Does the law require a manager to be on the premises at all times in case of emergencies?**

Not exactly. State law requires a manager or his/her designee to reside in parks with 50 or more spaces, but does not require them to be on the premises 24 hours a day. (Health and Safety Code §18603) It also requires a person to be available by phone, pager, answering machine or answering service, and to reasonably respond in a timely manner to emergencies concerning the operation and maintenance of the park. The agency responsible for enforcement of park health and safety requirements is either local government or HCD.

Recap:

- The park manager does not have to be on the premises 24 hours a day.
- The park manager does have to be available by phone or other communication device to respond to health and safety emergencies affecting the park.

#62 **Does the park manager have the right to enter the resident's lot without notice?**

The MRL provides that the park manager has the right to enter the lot at reasonable times and in a manner that does not interfere with the resident's "quiet enjoyment" for the purpose of maintaining utilities, trees and driveways, protection of the park, and for maintenance of the premises where the resident has failed to maintain them in accordance with the park rules. (Civil Code §798.26) The MRL does not require the manager to give the resident a notice for this purpose. However, the manager does not have the right to enter the home or enclosed accessory structure without prior written consent of the homeowner, except in an emergency or where the resident has abandoned the home. (Civil Code §798.26(b))

Recap:

- Park manager may enter private lots under reasonable circumstances, as defined in the MRL.
- Park manager cannot enter the home or enclosed accessory structures without prior written consent of the homeowner.

#63 **Can the resident be forced to move their home out of the park when they sell it just because the home is old?**

If the home is NOT a mobilehome (less than 8 feet wide x 40 feet long) and is therefore classified as a recreational vehicle (trailer), the resident has no right to sell it in place and will have to move it. With regard to mobilehomes, the MRL (Civil Code §798.73) establishes two standards. Basically, the home cannot be required to be removed upon a resale if it is 1) more than 17-20 years old or older but meets health, safety and construction standards of state law, and 2) not in substantially rundown condition or disrepair, as determined in the reasonable discretion of management. If the management and resident disagree on the condition of the home, the resident may decide to hire a private home inspector to look at the home and repair any code violations or defects the inspector finds in his/her report. HCD inspectors no longer perform this function in most cases, although some local governments that perform mobilehome park inspections for the state may be willing to perform an inspection, for a fee.

Recap:

- RV and trailer owners may be forced to move their coach out of the park when they sell it.
- Mobilehomes are allowed to stay in the park after they are sold if they meet certain health and safety standards.

#64 **Can the resident be forced to move their park-model out of the park after they sell it?**

Even though it may look like a small home, a park model is not a mobilehome. It is a "park trailer," as defined in the Health and Safety Code, which is essentially a type of recreational vehicle that has 400 square feet or less of floor space. A number of mobilehome parks in California accommodate both mobilehomes or manufactured homes, as well as recreational vehicles, but provisions of the MRL that require parks to allow homeowners to resell their homes in place in the park only apply if the home is a mobilehome or a manufactured home.

Recap:

- A park-model is not a mobilehome, therefore the resident may be forced to move a park-model out of the park when it is sold.

#65 **Can the park's income requirements on prospective buyers prevent a resident from selling their home?**
Yes. The sale of a mobilehome located in a mobilehome park is a three-party, not two-party transaction. The buyer and seller must not only agree to the terms of the sale of the home, but the buyer must be approved for residency in the park by the park owner/management. Management can withhold approval on the basis of: 1) the buyer's inability to pay the rent and charges of the park, and 2) the buyer's inability to comply with park rules and regulations as indicated by prior tenancies (see Civil Code §798.74). Although guidelines used by other landlords or public agencies for rental housing may be more lenient, many park owners impose higher income requirements to assure buyers will be able to afford future rent increases without causing the park problems, such as evictions.
Recap:
- A prospective buyer must be approved for residency by the park manager/owner.
- A prospective buyer can be rejected if they don't meet the income standards for the park.

#66 **Can the park prevent a resident from living in a mobilehome they inherited?**
Yes, unless the resident qualifies for residency and has signed a rental agreement. Upon death of a homeowner, heirs cannot simply assume they can move into the decedent's home or continue to live there if they are not already a party to the rental agreement. Despite the fact that an heir takes title to the mobilehome, the park management has the right to require an heir, or person who had been living with the resident, to newly apply for residency in the park. If the management rejects the heir's residency because the heir cannot comply with the rules or doesn't have the income to pay the rent and charges, the heir can be required to move out. The heir has the right to resell the inherited mobilehome in place in the park (Civ. 798.78(a)), assuming it meets health and safety code requirements (Civ. 798.78(b)), but must continue to pay the monthly space rent until the home is sold in order to maintain the right to sell it in place in the park. Otherwise, the park may terminate the tenancy and require the home to be moved from the park within 60 days of the notice of termination. (Civ. 798.73)
Recap:
- The heir of a mobilehome cannot assume he/she has residency rights if he/she has not been on the rental agreement.
- The heir has the right to sell the mobilehome in-place, as long as it meets health and safety requirements.
- The heir must continue to pay rent and fees as long as he/she owns the home in the park.

#67 **How do I change or add a name on the title to my mobilehome?**
Contact the state Department of Housing and Community Development's Registration and Titling division at (800) 952-8356.

#68 **I don't have the title to my mobilehome. Where can I get a copy?**
Every mobilehome owner must have a copy of the current registration for their home. (Health & Safety Code §18080.4) Contact the state Department of Housing and Community Development's Registration and Titling division at (800) 952-8356 for assistance.

#69 **Do residents have to provide a resale disclosure statement when they sell their mobilehome as-is?**
As a measure of consumer protection, mobilehome resale disclosure (Civil Code §1102.6d) became effective in January 2000, making mobilehome sellers and their agents responsible for providing prospective buyers, by close of escrow, with a resale disclosure statement. The form requires the seller to check off a list of conditions or defects that may affect the value or condition of the home. The seller is not subject to a penalty or fine for failing to provide the disclosure to the buyer, and the fact that disclosure was not made does not invalidate the sale of the home. However, after purchasing the home, if the buyer discovers defects that were not disclosed by the seller, the fact that the disclosure statement was not provided could affect the outcome of the seller's civil liability in court for the defect. Real estate brokers and dealers are also subject to the disclosure requirements and sales agents almost always include the disclosure report. The state Dept. of Housing (HCD) is not required to notify selling homeowners.
Recap:
- Sellers are advised to provide a resale disclosure form, even on "as-is" sales, to avoid possible liability after the sale. (Civ. 1102.1(a))

#70 **Can the manager force a resident to first offer their home for sale to the park?**
It depends on the rental agreement. The MRL provides that a park rental agreement entered into on or after

January 1, 2006, shall not include a provision or rule or regulation requiring homeowners to grant the park the right of first refusal to buy their homes on resale. (Civil Code §798.19.5) Hence, if the homeowner entered into a lease on or after January 1, 2006, or is on a month-to-month tenancy, the park could not enforce a right of first refusal to buy the home. However, homeowners may be subject to such a park right of first refusal if they signed a long-term lease with such a provision before January 1, 2006, and that lease has not yet expired. Additionally, the law does not prevent a homeowner and the park from entering into a separate agreement, apart from the lease, for the right of first refusal where the homeowner obtains consideration or compensation from the park for that right.

Recap:

- Check the rental or lease agreement for details on whether the park has the right of first refusal to buy the mobilehome.

#71 **What are the rights of a resident whose new manufactured home has defects?**

New mobilehome or manufactured home warranty complaints must be filed in writing with the dealer and manufacturer within the warranty period, by law, one year and ten days from the date of delivery or occupancy, whichever is earlier. This is necessary in order to preserve the purchaser's rights under the warranty should litigation or a state Department of Housing (HCD) investigation not commence until after the warranty has expired. Accessories that were purchased with the home as a package are normally covered by the warranty. An installation problem may complicate warranty complaints. If the home was installed by a licensed contractor as arranged by the dealer, both the dealer and contractor may be responsible. If the homeowner hired the installer independently from the dealer sale, there may be an issue of whether the problem with the home results from faulty installation, and thus is only the responsibility of the installer, or results from manufacturing defects. If the dealer or manufacturer does not satisfactorily respond within a reasonable period of time after filing the complaint with them, the homeowner should contact HCD's Office of the Mobilehome Ombudsman (800-952-5275) about filing a dealer complaint. Complaints about licensed contractor installers should be addressed to the Contractors State Licensing Board (800-321-2752 or *www.cslb.ca.gov*).

Recap:

- A warranty is good for 1 year and 10 days after date of delivery or occupancy.
- If the home was installed by an independent contractor, then problems may occur with identifying who is liable for defects.

COMMUNITY RESOURCES

ANIMAL SERVICES: Animal services and enforcement agencies offer information and assistance on the following: sick/injured, barking/nuisance dogs, rodents, stray/feral, license/registration, dog bites, neglect/abuse, spay/neuter, aggressive breeds prohibition. For residents living within city limits, contact cities directly.

COMMUNITY ACTION PARTNERSHIP: Each county participates in the State of California's community services grants program. Some services offered are for food/nutrition, health, home weatherizing, housing, rent assistance, senior services, and utility payment assistance.

DIAL 2-1-1: Some counties provide streamlined phone service. In those counties, dial 211 and an operator (or recorded menu) to be connected directly with the department that provides the requested service. (In some large cities, dial 311 for city services.)

HOUSING PROGRAMS: Some counties (not all) offer rent assistance (Section 8), mobilehome rehabilitation grants or loans, and utilities payment assistance.

WEIGHTS & MEASURES departments will inspect the accuracy of individual residential utility meters.

LEGAL RESOURCES: Some (not all) legal services organizations handle Mobilehome Residency Law. Small Claims Court Advisory offices assist in claims for contract disputes, landlord/tenant disputes, personal injury, property damage, theft, trespass, nuisance, etc.

PUBLIC ASSISTANCE: Most counties (and some non-profit organizations) provide services, grants and vouchers for medical care, food, in-home care, emergency housing, etc.

VETERANS SERVICES: Some veterans may be eligible for mobilehome loans, or grants to adapt a home for service-related disabilities, and other services. Also, see *calvet.ca.gov*.

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
ALAMEDA **Dial 211** **acgov.org**	**Housing Authority** (510) 538-8876 **Animal Services/Sheriff** (925) 803-7040 **Community Action Partnership** (510) 238-2362 **Weights & Measures** (510) 268-7343	**Bay Area Legal Services** (510) 250-5270 or (800) 551-5554 **Alameda County Bar Association** (510) 302-2222 **Legal Services of No. California** (530) 823-7560 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (510) 272-1393	Dial 211 **United Way** (530) 241-7521	Fremont (510) 795-2686 Hayward (510) 265-8271 Livermore (510) 577-3546 Oakland (510) 577-3545 (510) 763-3904
ALPINE **alpinecountyca.gov**	**Housing Assistance Program** (209) 557-2000 **Animal Services/Sheriff** (530) 694-2231 **Community Action Partnership** (760) 873-8557 **Weights & Measures** See El Dorado County	**Senior Legal Hotline** (800) 222-1753 **Legal Services of No. California** (530) 823-7560 (800) 660-6107 **Small Claims Court Advisor** (530) 694-2113	**Social Services** (530) 694-2235	See Sonora (209) 588-2600

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
AMADOR **ca.amador.ca.us**	**Housing Assistance Program** (209) 557-2000 **Animal Services/Enforcement** (209) 223-6378 **Community Action Partnership** (209) 223-1485 **Weights & Measures** (209) 223-6831	**Senior Legal Hotline** (800) 222-1753 **Legal Services of No. California** (530) 823-7560 **Small Claims Court Advisor** (209) 257-2603	**Social Services** (209) 223-6650 (844) 835-3685 **Area Agency on Aging** (209) 223-0442 **United Way** (916) 368-3000	Jackson (209) 267-5764
BUTTE **Dial 211** **buttecounty.net**	**Housing Authority** (530) 895-4474 **Animal Services/Enforcement** (530) 891-2907 Chico (530) 538-7409 Oroville **Community Action Partnership** (530) 712-2600 **Weights & Measures** (530) 891-2756	**Legal Services of No. California** (530) 345-9491 or (800) 345-9491 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 532-7015 Oroville (530) 532-7024 Chico	**Social Services** (877) 410-8803 **Area Agency on Aging** (530) 898-5923 (800) 499-9189 (530) 879-3845 Chico **United Way** (530) 241-7521	Chico (530) 891-2759
CALAVERAS **calaverasgov.us**	**Housing Assistance Program** (209) 557-2000 **Animal Services/Enforcement** (209) 754-6509 **Community Action Partnership** (209) 754-6452 **Weights & Measures** (209) 754-6504 x3	**Legal Services of No. California** (530) 823-7560 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (209) 754-1443	**Social Services** (209) 754-6460 **Area Agency on Aging** (209) 532-6272 **United Way** (209) 572-2255	San Andreas (209) 754-6624
COLUSA **countyofcolusa.org**	**Regional Housing Authority** (530) 671-0220 **Animal Services/Enforcement** (530) 458-0229 **Community Action Partnership** (530) 934-6514 **Weights & Measures** (530) 458-0580	**Legal Services of No. California** (530) 345-9491 (seniors only) (800) 345-9491 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 458-0602	**Health & Human Services** (530) 458-0280 **Area Agency on Aging** (530) 898-5923 (530) 458-0250 Colusa	Colusa (530) 458-0494

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
CONTRA COSTA **Dial 211** **co.contra-costa.ca.us**	**Housing Authority** (925) 957-8045 **Animal Services/Enforcement** (925) 335-8300 **Community Action Partnership** (877) 505-4630 **Weights & Measures** (925) 646-5250 Main (925) 427-8610 Knightsen	**Contra Costa Senior Legal Services** (510) 374-3712 **Bay Area Legal Services** (510) 250-5270 (925) 219-3325 (800) 551-5554 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (925) 686-6900	**Social Services** (925) 313-1778 **Area Agency on Aging** (925) 229-8434 **United Way** (415) 808-4300	Brentwood (925) 313-1481 Danville (925) 313-1381 Martinez (925) 313-1481 Richmond (510) 374-3241
DEL NORTE **co.del-norte.ca.us**	**Crescent City Housing Authority** (707) 464-9216 **Animal Services/Enforcement** (707) 464-7235 **Community Action Partnership** (707) 464-3069 **Weights & Measures** (707) 464-7235	**Legal Services of No. California** (707) 445-0866 (800) 972-0002 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (707) 464-8115	**Social Services** (707) 464-3191 **Area Agency on Aging** (707) 442-3763 (707) 464-3191 Crescent City **United Way** (707) 443-8637	Crescent City (707) 464-5534
EL DORADO **edcgov.us**	**Housing Authority** (530) 621-6300 **Animal Services/Enforcement** (530) 621-5795 **Community Action Partnership** (530) 621-6150 **Weights & Measures** (530) 621-5520 Placerville (916) 358-3555 x5520 ED Hills (530) 573-7955 x5520 So. LT	**Legal Services of No. California** (530) 823-7560 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 621-5867 Cameron Park (530) 573-3075 So. Lake Tahoe (800) 815 2947	**Social Services** (530) 642-7300 Placerville (530) 573-3200 So. Lake Tahoe **Area Agency on Aging** (530) 621-6150 **United Way** (916) 368-3000	Placerville (530) 621-5892 So. Lake Tahoe (530) 573-3134
FRESNO **Dial 211** **co.fresno.ca.us**	**Fresno Housing Authority** (559) 443-8400 **Animal Services/Enforcement** (559) 600-3357 **Community Action Partnership** (559) 263-1000 **Weights & Measures** (559) 600-7510	**California Rural Legal Assistance** Fresno (559) 441-8721 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (559) 457-2174	**Social Services** (855) 832-8082 **Area Agency on Aging** (559) 600-4405 **United Way** (559) 244-5710	Fresno (559) 600-5436

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
GLENN **countyofglenn.net**	**Housing Authority** (530) 895-4474 **Animal Services/Sheriff** (530) 934-6431 **Community Action Partnership** (530) 934-6510 **Weights & Measures** (530) 934-6501	**Legal Services of No. California** (530) 345-9491 (800) 345-9491 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (530) 934-7114	**Health & Human Services** (530) 934-1421 **Area Agency on Aging** (530) 898-5923 **United Way** (530) 241-7521	Willows (530) 934-6524
HUMBOLDT **Dial 211** **humboldtgov.org**	**Housing Authority** (707) 443-4583 **Animal Services/Enforcement** (707) 441-4144 **Community Action Partnership** (707) 269-2001 **Weights & Measures** (707) 441-5260 x0	**Legal Services of No. California** (707) 445-0866 (800) 972-0002 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (707) 445-7256	**Social Services** (877) 410-8809 **Area Agency on Aging** (707) 442-3763 **United Way** (707) 443-8637	Eureka (707) 445-7341
IMPERIAL **co.imperial.ca.us**	**Housing Authority** (707) 351-7000 **Animal Services/Enforcement** (760) 339-6291 **Community Action Partnership** (760) 370-5100 **Weights & Measures** (760) 482-4314	**California Rural Legal Assistance** (760) 353-0220 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (760) 482-2271	**Social Services** (760) 337-6800 **Area Agency on Aging** (760) 339-6450 **United Way** (760) 355-4900	El Centro (442) 265-3201
INYO **inyocounty.us**	**Housing Assistance Program** (209) 557-2000 **Animal Services/Enforcement** (760) 938-2715 **Community Action Partnership** (760) 873-8557 **Weights & Measures** (760) 873-7860	**Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (760) 872-4444	**Health & Human Services** (760) 873-7868 (866) 398-7134 **Area Agency on Aging** (760) 873-6364	Bishop (760) 873-7850

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
KERN **Dial 211** **co.kern.ca.us**	**Housing Authority** (661) 631-8500 **Animal Services/Enforcement** (661) 868-7100 **Community Action Partnership** (661) 336-5236 **Weights & Measures** (661) 868-6300	**California Rural Legal Assistance** (661) 725-4350 Delano (661) 845-9066 Lamont **Central California Legal Services** (559) 570-1200 or (800) 675-8001 **Greater Bakersfield Legal Assistance** (661) 325-5943 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (661) 868-2532	**Human Services** (661) 631-6000 **Area Agency on Aging** (661) 868-1000 **United Way** (661) 834-1820	Bakersfield (866) 218-5367
KINGS **Dial 211** **countyofkings.com**	**Housing Authority** (559) 582-2806 **Animal Services/Enforcement** (559) 584-9214 **Community Action Partnership** (559) 582-4386 **Weights & Measures** (559) 582-3211 x2830	**Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (559) 582-1010 Hanford (559) 582-4095 Avenal (559) 992-5193 Corcoran	**Human Services Agency** (559) 582-3241 (877) 410-8813 **Area Agency on Aging** (559) 623-0199 **United Way** (559) 584-1536	Hanford (559) 852-2669
LAKE **co.lake.ca.us**	**Housing Commission** (707) 995-4200 **Animal Services/Enforcement** (707) 263-0278 **Community Action Partnership** (707) 467-3200 **Weights & Measures** (219) 755-3680	**Legal Services of No. California** (707) 462-1471 (877) 529-7700 toll free **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (707) 994-6598	**Social Services** (707) 995-4200 **Area Agency on Aging** (707) 262-4517 (707) 995-4200 Lower Lake **United Way** (707) 462-4483	Clearlake (707) 995-7200 Lakeport (707) 263-2384
LASSEN **co.lassen.ca.us**	**Community Development Dept.** (530) 251-8269 **Animal Services/Enforcement** (530) 257-9200 **Community Action Partnership** (530) 283-2466 **Weights & Measures** (530) 251-8110	**Legal Services of No. California** (530) 241-3565 (800) 822-9687 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 251-8353	**Health & Social Services** (530) 251-8158 **Area Agency on Aging** (530) 842-1687 **United Way** (530) 241-7521	Susanville (530) 251-8192

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
LOS ANGELES **Dial 211** **lacounty.gov**	**Housing Authority** (323) 890-7400 **Animal Services/Enforcement** (562) 728-4882 **Community Action Partnership** (213) 744-7333 (562) 908-4800 **Weights & Measures** (626) 575-5471 Arcadia (562) 622-0402 South Gate	**Alternate Dispute Resolution** (213) 974-5425 **Dispute Resolution Program** (213) 738-2621 **Legal Aid Foundation of L.A.** (323) 801-7906 or (800) 399-4529 **Legal Services of L.A. County** (800) 433-6251 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (800) 593-8222 **Unlawful Detainer (evictions)** (213) 974-6135	**Public Social Services** (877) 481-1044 **Area Agency on Aging** (213) 738-4000 (City) (213) 738-4004 (County) (800) 510-2020 **United Way** (213) 808-6220	Main (213) 744-4825 Chatsworth (818) 576-0201 Culver City (310) 641-0326 Lancaster (661) 974-8842 (661) 726-4410 Gardena (310) 767-1221 Long Beach (562) 826-8000 x4657 L.A. (213) 253-2677 x4605 (310) 478-3711 x48659 (310) 478-3711 x48425 North Hills (818) 892-9227 Rancho Dominquez (310) 761-2221 Sepulveda (818) 891-7711 x9146 West Covina (626) 813-3402
MADERA **madera-county.com**	**Housing Authority** (559) 674-5695 **Animal Services/Enforcement** (559) 675-7891 **Community Action Partnership** (559) 673-9173 **Weights & Measures** (559) 675-7876	**California Rural Legal Assistance** (559) 674-5671 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (559) 675-7944	**Social Services** (559) 675-7841 **Area Agency on Aging** (559) 600-4405 **United Way** (559) 674-9780	Madera (559) 675-7766
MARIN **Dial 211** **marincounty.org**	**Housing Authority** (415) 491-2525 **Animal Services/Enforcement** (415) 499-6358 **Community Action Partnership** (415) 526-7500 **Weights & Measures** (415) 473-7888	**Bay Area Legal Services** (415) 354-6360 (800) 551-5554 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (415) 444-7130	**Human Services** (415) 473-3696 **Area Agency on Aging** (415) 499-7396 **United Way** (415) 808-4300	San Rafael (415) 473-6193

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
MARIPOSA **mariposacounty.org**	**Housing Authority** (209) 966-3609 **Animal Services/Enforcement** (209) 966-3615 **Community Action Partnership** (209) 754-6452 **Weights & Measures** (209) 966-2075	**Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (209) 966-2005	**Human Services** (209) 966-2000 **Area Agency on Aging** (209) 966-5315	Mariposa (209) 966-3696
MENDOCINO **Dial 211** **co.mendocino.ca.us**	**Housing Authority** (707) 463-5482 **Animal Services/Enforcement** (707) 463-4427 **Community Action Partnership** (707) 462-1954 **Weights & Measures** (707) 463-4208	**Legal Services of No. California** (707) 462-1471 (877) 529-7700 toll free **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (707) 468-2002 Ukiah (707) 964-3192 Fort Bragg	**Social Services** (707) 472-2333 Ukiah (707) 962-1000 Fort Bragg (707) 456-3740 Willets **Area Agency on Aging** (707) 262-4517 **United Way** (707) 462-4483	Fort Bragg (707) 964-9695 Ukiah (707) 463-4662 Willits (707) 456-3792
MERCED **merced.ca.us**	**Housing Authority** (209) 722-3501 **Animal Services/Enforcement** (209) 385-7436 **Community Action Partnership** (209) 723-4565 **Weights & Measures** (209) 385-7431	**Central California Legal Services** (209) 723-5466 (800) 464-3111 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (209) 725-4111	**Human Services** (209) 385-3000 **Area Agency on Aging** (209) 385-7550 **United Way** (209) 383-4242	Merced (209) 385-7588
MODOC **co.modoc.ca.us**	**Housing Authority** (530) 225-5160 **Animal Services/Sheriff** (530) 233-4416 **Community Action Partnership** (530) 233-7660 **Weights & Measures** (530) 233-6401	**Legal Services of No. California** (530) 241-3565 (800) 822-9687 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 233-2008	**Social Services** (530) 233-6601 **Area Agency on Aging** (530) 842-1687 **United Way** (530) 241-7521	Alturas (530) 233-6209

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
MONO **monocounty.ca.gov**	**Housing Assistance Program** (209) 557-2000 **Animal Services/Enforcement** (760) 932-5630 **Community Action Partnership** (760) 873-8557 **Weights & Measures** (760) 873-7860	**Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (760) 932-5239 Bridgeport (760) 924-5444 Mammoth Lakes	**Social Services** (760) 924-1770 Mammoth Lakes (760) 932-5600 Bridgeport (530) 495-1262 Walker **Area Agency on Aging** (760) 873-6364	Bishop (760) 873-7850
MONTEREY **Dial 211** **co.monterey.ca.us**	**Housing Authority** (831) 775-5000 **Animal Services/Enforcement** (831) 769-8850 **Community Action Partnership** (831) 755-8492 **Weights & Measures** (831) 759-7325	**California Rural Legal Assistance** (831) 757-5221 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (831) 582-5235	**Social Services** (831) 755-4448 **Area Agency on Aging** (831) 755-3403 **United Way** (831) 372-8026	Monterey (831) 647-7613 (831) 883-3811 Salinas (831) 796-3585
NAPA **Dial 211** **countyofnapa.org**	**Housing Authority** (707) 257-9543 **Animal Services/Enforcement** (707) 253-4382 **Community Action Partnership** (707) 253-6100 **Weights & Measures** (707) 944-8714	**Bay Area Legal Services** (707) 320-6348 (800) 551-5554 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (707) 299-1130	**Health & Human Services** (707) 253-4279 **Area Agency on Aging** (707) 644-6612 **United Way** (415) 808-4300	Napa (707) 253-6072 (800) 498-9455
NEVADA **Dial 211** **mynevadacounty.com**	**Housing Authority** (530) 671-0220 **Animal Services/Sheriff** (530) 265-1471 **Community Action Partnership** (530) 265-1645 **Weights & Measures** (530) 273-2648	**Legal Services of No. California** (530) 823-7560 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 470-2594	**Social Services** (530) 265-1340 **Area Agency on Aging** (916) 486-1876 **United Way** (530) 274-8111	Grass Valley (530) 273-3397

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
ORANGE **Dial 211** **ocgov.com**	**Housing Authority** (714) 480-2700 **Animal Services/Enforcement** (714) 935-6848 (949) 249-5160 **Community Action Partnership** (714) 897-6670 **Weights & Measures** (714) 955-0100	**Legal Aid Society of Orange County** (714) 571-5200 or (800) 834-5001 **Senior Citizens Legal Advocacy Program** (714) 571-5200 or (800) 834-5001 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (714) 571-5277	**Public Assistance** (714) 541-4895 (949) 389-8456 **Area Agency on Aging** (714) 567-7500 **United Way** (949) 660-7600	Santa Ana (714) 480-6555
PLACER **placer.ca.gov**	**Housing Authority** (530) 889-7610 (888) 385-5160 **Animal Services/Enforcement** (530) 886-5541 Auburn (530) 546-1990 Tahoe Vista **Community Action Partnership** (916) 782-3443 **Weights & Measures** (530) 889-7372	**Legal Services of No. California** (530) 823-7560 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 823-1019	**Health & Human Services** (530) 889-7141 Auburn (530) 546-1900 Tahoe **Area Agency on Aging** (916) 486-1876 **United Way** (916) 368-3000	Rocklin (916) 780-3290
PLUMAS **countyofplumas.com**	**Community Devel. Commission** (530) 283-2466 (800) 993-5399 **Animal Services/Enforcement** (530) 283-3673 **Community Action Partnership** (530) 283-2466 **Weights & Measures** (530) 283-6365	**Legal Services of No. California** (530) 345-9491 (800) 345-9491 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (530) 283-6305	**Social Services** (530) 283-6350 **Area Agency on Aging** (530) 898-5923 **United Way** (530) 241-7521	Quincy (530) 283-6275

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
RIVERSIDE **Dial 211** **countyofriverside.us**	**Housing Authority** (951) 351-0700 (760) 863-2828 **Animal Services/Enforcement** (760) 921-7857 Blythe (760) 343-3644 Coachella Valley (951) 358-7387 San Jacinto **Community Action Partnership** (951) 955-4900 (800) 511-1110 **Weights & Measures** (951) 955-3030	**California Rural Legal Assistance** (760) 398-7261 **Inland Counties Legal Services** (951) 368-2555 Riverside (760) 342-1591 Indio **Riverside Legal Aid** (951) 682-7968 Riverside (760) 347-9456 Indio **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (951) 274-4499 Riverside (760) 393-2163 Desert region	**Social Services** (951) 358-3000 **Area Agency on Aging** (951) 867-3800 **United Way** Central (951) 929-9691 Desert (760) 323-2731 Inland (951) 697-4700 Corona-Norco (951) 736-0620	Banning (951) 766-2566 Blythe (760) 863-8266 Corona (951) 276-3060 Hemet (951) 766-2566 Indio (760) 863-8266 Murrieta (951) 766-2566 Palm Desert (760) 863-8266 Riverside (951) 955-3060 (800) 481-2101
SACRAMENTO **Dial 211** **saccounty.net**	**Housing Authority** (916) 440-1390 **Animal Services/Enforcement** (916) 368-7387 **Community Action Partnership** (916) 263-3800 **Weights & Measures** (916) 875-6603	**Legal Services of No. California** (916) 551-2150 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (916) 875-7846 **Voluntary Legal Resources** (916) 551-2102	**Health & Human Services** (916) 875-2000 **Area Agency on Aging** (916) 486-1876 **United Way** (916) 368-3000	Sacramento (916) 874-6811
SAN BENITO **cosb.us**	**County Housing Programs** (831) 636-4316 x14 **Animal Services/Enforcement** (831) 636-4320 **Community Action Partnership** (831) 636-4180 **Weights & Measures** (831) 637-5344	**Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (831) 786-7370	**Health & Human Services** (831) 636-4180 **Area Agency on Aging** (831) 688-0400 **United Way** (831) 479-5466	Monterey (831) 637-7613

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
SAN BERNARDINO **Dial 211** **sbcounty.gov**	**Community Devel. & Housing** (909) 387-4700 San Bernardino (909) 890-5360 Ontario (760) 243-1043 Victorville **Animal Services/Enforcement** (800) 782-4264 **Community Action Partnership** (909) 723-1500 **Weights & Measures** (909) 387-2140	**Inland Counties Legal Services** (760) 241-7073 Victorville (909) 884-8615 San Bernardino (909) 980-0982 Rancho Cucamonga **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (909) 708-8606 (800) 634-9085	**Human Services** (909) 387-4717 **United Way** Inland (909) 980-2857 Desert (760) 242-5370 Mojave Valley (760) 256-8789 Indian Wells Vly (760) 375-1920 Arrowhead (909) 884-9441	Main (866) 472-8387 Chino (909) 465-5241 Hesperia (760) 995-8010 San Bernardino (909) 387-5516 Twentynine Palms (760) 361-4636 Yucca Valley (760) 228-5234
SAN DIEGO **Dial 211** **sandiegocounty.gov**	**Housing & Community Devel.** (858) 694-4801 **Home Repair Loans** (858) 694-8750 **Rental Assistance** (858) 694-8742 **Section 8 Assistance** (858) 694-4801 **Animal Services/Enforcement** (619) 767-2675 **Community Action Partnership** (619) 338-2799 **Weights & Measures** (858) 694-2778	**California Rural Legal Assistance** (760) 966-0511 **Legal Aid Society of San Diego** (877) 534-2524 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (858) 634-1777	**Public Assistance** (866) 262-9881 **Area Agency on Aging** (858) 495-5885 **United Way** (858) 492-2000	Escondido (760) 466-7054 Oceanside (760) 643-2049 San Diego (858) 694-3222 (858) 552-8585 x1813 San Marcos (760) 744-6914
SAN FRANCISCO **Dial 211** **sfgov.org**	**Housing Authority** (415) 554-1200 **Animal Services/Enforcement** (415) 554-6364 **Community Action Partnership** (415) 749-5600 **Weights & Measures** (415) 252-3884	**Bay Area Legal Services** (415) 354-6360 (800) 551-5554 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (415) 551-5880	**Human Services** (415) 557-5000 **Area Agency on Aging** (415) 355-3555 **United Way** (415) 808-4300	San Francisco (415) 503-2000 (415) 379-5613 (800) 807-5799

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
SAN JOAQUIN **Dial 211** **sjgov.org**	**Housing Authority** (209) 460-5039 **Animal Services/Sheriff** (209) 953-6070 **Community Action Partnership** (209) 468-2202 **Weights & Measures** (209) 953-6000	**California Rural Legal Assistance** (209) 946-0605 Stockton **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (209) 992-5701	**Human Services** (209) 468-1000 **Area Agency on Aging** (209) 468-2202 **United Way** (209) 469-6980	Stockton (209) 468-2916
SAN LUIS OBISPO **Dial 211** **slocounty.ca.gov**	**Housing Authority** (805) 543-4478 **Animal Services/Enforcement** (805) 781-4400 **Community Action Partnership** (805) 544-4355 **Weights & Measures** (805) 781-5910 SLO (805) 473-7090 Arroyo Grande (805) 434-5950 Templeton	**California Rural Legal Assistance** (805) 239-3708 Paso Robles (805) 544-7997 San Luis Obispo **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (805) 781-5856	**Social Services** (805) 781-1600 **Area Agency on Aging** (805) 925-9554 **United Way** (805) 541-1234	San Luis Obispo (805) 788-2687
SAN MATEO **Dial 211** **co.sanmateo.ca.us**	**Housing Authority** (650) 802-3300 **Animal Services/Enforcement** (650) 573-3726 **Community Action Partnership** (650) 802-3378 **Weights & Measures** (650) 363-4700	**Bay Area Legal Services** (650) 472-2666 (800) 551-5554 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (650) 261-5015	**Human Services** (800) 223-8383 **Area Agency on Aging** (650) 573-2700 **United Way** (415) 808-4300	Belmont (650) 802-6446
SANTA BARBARA **Dial 211** **countyofsb.org**	**Housing Office** (805) 736-3423 **Animal Services/Enforcement** (805) 737-7755 Lompoc (805) 681-5285 Santa Barbara **Community Action Partnership** (805) 964-8857 **Weights & Measures** (805) 934-6200	**California Rural Legal Assistance** (805) 922-4563 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (805) 349-1289 Lompoc (805) 568-3303 Santa Barbara (805) 349-1289 Santa Maria (805) 349-1289 Solvang	**Social Services** (805) 681-4401 Santa Barbara (805) 346-7135 Santa Maria (805) 737-7080 Lompoc **Area Agency on Aging** (805) 925-9554 **United Way** (805) 965-8591 (805) 922-0329 Northern	Santa Barbara (805) 681-4500 Santa Maria (805) 346-7160

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
SANTA CLARA **Dial 211** **sccgov.org**	**Housing Authority** (408) 275-8770 **Animal Services/Enforcement** (408) 686-3900 **Community Action Partnership** (408) 278-2197 **Weights & Measures** (408) 918-4601	**Bay Area Legal Services** (408) 850-7066 or (800) 551-5554 **California Rural Legal Assistance** (831) 724-2253 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (408) 882-2100	**Social Services** (408) 755-7100 **Area Agency on Aging** (408) 296-8290 **United Way** (408) 345-4300	Santa Clara (408) 553-6000
SANTA CRUZ **Dial 211** **co.santa-cruz.ca.us**	**Housing Authority** (831) 454-9455 (831) 637-0487 **Animal Services/Enforcement** (831) 454-7200 **Community Action Partnership** (831) 763-2147 **Weights & Measures** (831) 763-8080	**California Rural Legal Assistance** (831) 724-2253 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (831) 786-7370	**Pubic Assistance** (888) 421-8080 **Area Agency on Aging** (831) 688-0400 **United Way** (831) 479-5466	Santa Cruz (831) 454-4761 Watsonville (831) 454-4761
SHASTA **Dial 211** **co.shasta.ca.us**	**Housing Authority** (530) 225-5160 **Animal Services/Enforcement** (530) 245-6065 **Community Action Partnership** (530) 225-5160 **Weights & Measures** (530) 224-4951	**Legal Services of No. California** (530) 241-3565 (800) 822-9687 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (530) 245-6900	**Health & Human Services** (877) 652-0731 **Area Agency on Aging** (530) 842-1687 **United Way** (530) 241-7521	Redding (530) 225-5616
SIERRA **sierracounty.ca.gov**	**Housing Authority** (530) 225-5160 **Animal Services/Sheriff** (530) 289-3700 **Community Action Partnership** (530) 283-2466 **Weights & Measures** See Plumas Co.	**Legal Services of No. California** (530) 823-7560 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 289-3698	**Health & Human Services** (530) 993-6700 **Area Agency on Aging** (916) 486-1876	See Plumas County

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
SISKIYOU **co.siskiyou.ca.us**	**Housing Authority** (530) 225-5160 **Animal Services/Enforcement** (530) 841-4028 **Community Action Partnership** (530 233-7660 **Weights & Measures** (530) 841-4025	**Legal Services of No. California** (530) 241-3565 (800) 822-9687 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 842-0197 (530) 842-0157	**Health & Human Services** (530) 841-2700 **Area Agency on Aging** (530) 842-1687 **United Way** (530) 241-7521	Yreka (530) 842-8010
SOLANO **Dial 211** **co.solano.ca.us**	**Housing Authority** (707) 449-5675 **Animal Services/Enforcement** (707) 784-1356 **Community Action Partnership** (707) 422-8810 **Weights & Measures** (707) 784-1310	**Legal Services of No. California** (707) 643-0054 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (707) 207-7336	**Health & Social Services** Dial 211 **Area Agency on Aging** (707) 644-6612 **United Way** (415) 808-4300	Fairfield (707) 784-6590
SONOMA **Dial 211** **sonomacounty.ca.gov**	**Housing Authority** (707) 565-7520 **Animal Services/Enforcement** (707) 565-7100 **Community Action Partnership** (707) 544-6911 **Weights & Measures** (707) 565-2371	**California Rural Legal Assistance** (707) 528-9941 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (707) 521-6534	**Human Services** (707) 565-5800 **Area Agency on Aging** (707) 565-5950 **United Way** (707) 528-4485	Santa Rosa (707) 565-5960
STANISLAUS **Dial 211** **co.stanislaus.ca.us**	**Housing Assistance Program** (209) 557-2000 **Animal Services/Enforcement** (209) 558-7387 **Community Action Partnership** (209) 357-0062 **Weights & Measures** (209) 525-4730	**Senior Legal Hotline** (800) 222-1753 **California Rural Legal Assistance** (209) 577-3811 **Small Claims Court Advisor** (209) 530-3178	**Community Services** (209) 558-2500 **Area Agency on Aging** (209) 558-8698 **United Way** (209) 572-2255	Modesto (209) 558-7380

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
SUTTER **co.sutter.ca.us**	**Regional Housing Authority** (530) 671-0220 **Animal Services/Enforcement** (530) 822-7375 **Community Action Partnership** (530) 749-5460 **Weights & Measures** (530) 822-7500	**Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (530) 822-3304	**Welfare & Social Services** (877) 652-0735 **Area Agency on Aging** (916) 486-1876 **United Way** (530) 743-1847	Marysville (530) 749-6710
TEHAMA **Dial 211** **co.tehama.ca.us**	**Housing Assistance** (530) 527-6159 **Animal Services/Enforcement** (530) 527-3439 **Community Action Partnership** (530) 527-6159 **Weights & Measures** (530) 527-4504	**Legal Services of No. California** (530) 345-9491 (800) 345-9491 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 828-3250	**Social Services** (530) 527-1911 **Area Agency on Aging** (530) 898-5923 **United Way** (530) 241-7521	Red Bluff (530) 529-3664
TRINITY **trinitycounty.org**	**Housing Authority** (530) 225-5160 **Animal Services/Enforcement** (530) 623-1370 **Community Action Partnership** (530) 934-6514 **Weights & Measures** (530) 623-1356	**Legal Services of No. California** (530) 241-3565 (800) 822-9687 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (530) 623-1208	**Health & Human Services** (530) 623-1265 (800) 851-5658 **Area Agency on Aging** (530) 842-1687 **United Way** (530) 241-7521	Weaverville (530) 623-3975
TULARE **Dial 211** **tularecounty.ca.gov**	**Housing Authority** (559) 627-3700 **Animal Services/Enforcement** (559)-636-4050 **Community Action Partnership** (559) 732-4194 **Weights & Measures** (559) 684-3350	**Central California Legal Services** (559) 733-8770 (800) 350-3654 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (559) 730-5000	**Health & Human Services** (800) 834-7121 **Area Agency on Aging** (559) 623-0199 **United Way** (559) 685-1766	Tulare (559) 684-4960

COUNTY	HOUSING PROGRAMS & OTHERS	LEGAL RESOURCES	PUBLIC ASSISTANCE	VETERANS SERVICES
TUOLUMNE **tuolumnecounty.ca.gov**	**Housing Assistance Program** (209) 557-2000 **Animal Services/Enforcement** (209) 694-2730 **Community Action Partnership** (209) 533-1397 **Weights & Measures** (209) 533-6600	**Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (209) 533-6565	**Social Services** (209) 533-5711 **Area Agency on Aging** (209) 533-2622 **United Way** (209) 572-2255	Sonora (209) 533-6280
VENTURA **Dial 211** **ventura.org**	**Housing Authority** (805) 480-9991 (800) 800-2123 **Animal Services/Enforcement** (805) 388-4341 **Community Action Partnership** (805) 436-4000 **Weights & Measures** (805) 654-2428	**California Rural Legal Assistance** (805) 483-8083 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (805) 654-5054	**Social Services** Dial 211 **Area Agency on Aging** (805) 477-7300 **United Way** (805) 485-6288	Ventura (805) 477-5155 (866) 904-9362
YOLO **Dial 211** **yolocounty.org**	**Housing Dept.** (530) 662-5428 **Animal Services/Enforcement** (916) 375-6492 (530) 668-5287 Woodland **Community Action Partnership** (530) 661-2750 **Weights & Measures** (530) 666-8140	**Legal Services of No. California** (530) 662-1065 (877) 883-4927 (seniors only) **Senior Legal Hotline** (800) 222-1753 **Small Claims Court Advisor** (530) 758-1927 (800) 404-3288	**Health & Human Services** (916) 375-6200 West Sac (530) 406-4444 Winters (530) 661-2750 Woodland **Area Agency on Aging** (916) 486-1876 **United Way** (916) 368-3000 (530) 662-3633 Woodland	Woodland (530) 406-4850 (530) 406-4851
YUBA **co.yuba.ca.us**	**Housing Authority** (530) 749-5460 **Animal Services/Sheriff** (530) 749-7777 **Community Action Partnership** (530) 749-5460 **Weights & Measures** (530) 749-5400	**California Rural Legal Assistance** (530) 742-5191 **Senior Legal Hotline** (800) 222-1753 **Small Claims Court info** (530) 749-7600	**Health & Human Services** (530) 749-6311 **Area Agency on Aging** (916) 486-1876 **United Way** (530) 743-1847	Marysville (530) 749-6710

2016

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