

Date of Hearing: July 12, 2017

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

SB 147 (Dodd) – As Amended July 3, 2017

SENATE VOTE: 25-6

SUBJECT: Mobilehome parks: residency

SUMMARY: Clarifies and modifies mobilehome law governing guests, companions, and live-in caregivers. Specifically, **this bill:**

- 1) Clarifies that a homeowner living alone may share occupancy with one companion and management shall not impose a fee for that person. The homeowner may only designate one companion per year, except if the companion dies.
- 2) Allows park management to refuse to allow a homeowner to share his or her mobilehome with a companion if park residency is subject to age restrictions and the proposed companion is unable or unwilling to provide documentation that the proposed companion meets those age restrictions.
- 3) Eliminates the requirement that live-in care to a homeowner must be provided pursuant to a written treatment plan by a physician and replaces that requirement with a clause allowing parks to require written verification of the need for the care from a licensed healthcare professional, if the need is not readily apparent or already known to the park.
- 4) Eliminates the requirement that live-in care or supervision provided by a senior mobilehome owner to a parent, sibling, child, or grandchild must be provided pursuant to a written treatment plan from both the person's physician and surgeon, replacing it instead with a clause allowing parks to require written confirmation from a licensed healthcare professional of the need for the care or supervision, if that need is not readily apparent or already known to the park.
- 5) Clarifies that a guest, companion, live-in caregiver, or family member under the care of a senior homeowner shall have no rights of tenancy in the park, and any agreement between the homeowner and the guest, companion, live-in caregiver, or family member under the care of a senior homeowner shall not change the terms and conditions of the rental agreement between management and the homeowner.
- 6) Clarifies that a violation of the mobilehome park rules and regulations by a guest, companion, live-in caregiver, or family member under the care of a senior homeowner be deemed a violation of the rules and regulations by the homeowner and subject to the corresponding remedies.
- 7) Provides that nothing in this section shall be interpreted to create a duty on the part of park management to manage, supervise, or provide care for a homeowner's guest, companion, live-in caregiver, or family member under the care of a senior homeowner, during that person's stay in the mobilehome park.

EXISTING LAW:

- 1) Prohibits mobilehome park managers from charging homeowners to have guests stay with them for up to 20 consecutive days or a total of 30 days in a calendar year. Management may not require such a guest to register.
- 2) Allows mobilehome homeowners who live alone to share their mobilehomes with one other person free of charge from the park. The person shall be considered a guest of the homeowner. The following requirements apply:
 - a) Any agreement between the homeowner and the person shall not change the terms and conditions of the rental agreement between management and the homeowner; and
 - b) The guest shall comply with the provisions of the rules and regulations of the park.
- 3) Prohibits mobilehome park managers from charging homeowners a fee for sharing their mobilehome with an adult, live-in caretaker, so long as the care is being provided pursuant to a written treatment plan prepared by the homeowner's physician. The following requirements apply:
 - a) The caretaker 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; and
 - b) The caretaker must comply with the rules and regulations of the park.
- 4) Permits senior (55 years of age or older) homeowners living in age-restricted parks to share their mobilehome with a parent, sibling, child, or grandchild of the homeowner who does not meet the age restriction but is over 18 years of age, if the homeowner is providing care to that family member pursuant to a written treatment plan prepared by a physician and surgeon. The following requirements apply:
 - a) Park management shall not charge the homeowner a fee for this person's presence;
 - b) 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;
 - c) 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; and
 - d) 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.

(Civ. Code Sec. 798.34)

FISCAL EFFECT: None

COMMENTS:

Background: The Mobilehome Residency Law (MRL) extensively regulates the relationship between landlords and residents who occupy a mobilehome park. More than 700,000 people live in California's approximately 4,700 mobilehome parks. Mobilehomes are not truly mobile, in that it is often cost prohibitive to relocate them. The cost to move a mobilehome ranges from \$2,000 to upwards of \$20,000 depending on the size of the home and the distance traveled. A mobilehome owner whose home is located in a mobilehome park does not own the land the unit sits on, and he or she must pay rent and fees for the land and any community spaces.

Need for the bill: According to the author, "the effect of the Baby Boom population on housing needs is exacerbating the scarcity of affordable housing in California. Statewide the number of impoverished residents aged 65 and older increased by 85 percent, to roughly 520,000 between 1999 and 2014, more than double the rate of population growth among the elderly (Sacramento Bee: Poverty Rate Jumps Among California Seniors-March 26, 2016). For low-income seniors on fixed incomes, a lack of affordable housing can lead to loss of independence and higher costs to the public due to increased need for emergency healthcare or placement in nursing homes (California Housing Partnership Corporations: Update on California's Affordable Housing Crisis-April 2015). This bill makes it easier for a person living alone to share their mobilehome with one other person."

Companions vs. guests: Existing law relating to the rights of mobilehome owners to share their homes is unclear and contradictory. First, existing law (Civil Code Section 798.34(a)), prevents mobile home park managers from charging homeowners to have a guest stay with them for up to 20 consecutive days or a total of 30 days in a calendar year. Management may also not require such a guest to register. However, in Civil Code Section 798.34(b), existing law states that a mobilehome owner who lives alone may share his or her mobilehome with another person, and management must not charge a fee for this person. This subdivision refers to this additional person as a "guest," resulting in further confusion. If this person is a "guest," then arguably management could charge the homeowner for this person pursuant to the terms of subdivision (a). Yet subdivision (b) says that management shall not charge for this person. Subdivision (b) also does not prohibit park management from requiring this additional person to register, unlike guests in subdivision (a).

This bill resolves these contradictory aspects of existing law by clarifying that subdivisions (a) and (b) apply to two different scenarios- a short-term guest and a potentially long-term living arrangement. In the case of a short-term guest under subdivision (a), existing law stays the same- park management may not require the guest to register, and may charge a resident for this guest if he or she has stayed in the home for up to 20 consecutive days or a total of 30 days in a calendar year. In subdivision (b), the bill removes the reference to "guest" and instead refers to the additional person as a "companion," which differentiates this person from a short-term guest. The bill provides that a homeowner living alone may only designate one person as his or her companion per calendar year, except in the case of the companion's death. Park management must not impose a fee for the companion, but may refuse to allow a homeowner to share his or her mobilehome with a companion if park residency is subject to age restrictions and the proposed companion is unable or unwilling to provide documentation that he or she meets those

age restrictions. Since it applies to a potentially long-term living arrangement (as opposed to a short-term guest), subdivision (b) does not prohibit a park from requiring a companion to register with the management.

In-home caregivers: Existing law prohibits mobilehome park managers from charging homeowners a fee for sharing their mobile home with an adult, live-in caretaker, provided that the care is being provided pursuant to a written treatment plan prepared by the homeowner's physician. Existing law also permits senior (55 years of age or older) homeowners living in age-restricted parks to share their mobile home with a parent, sibling, child, or grandchild of the homeowner who does not meet the age restriction but is over 18 years of age, if the homeowner is providing care to that family member pursuant to a written treatment plan prepared by a physician and surgeon.

Current disability law allows a housing provider to request confirmation of a resident's disability, and the need for the requested accommodation, from an authoritative source, such as a licensed healthcare professional, though generally such a request should not be made where the need for care is readily apparent or already known to the provider. Where confirmation is requested, confirmation alone is sufficient; the housing provider is not entitled to a diagnosis of what exactly the disability is, since that would be invasive of privacy.

This bill incorporates that concept into the law relating to live-in care at mobilehome parks. It streamlines the process for a mobilehome resident to have a live-in caregiver, or to become a live-in caregiver, by allowing documentation for such need to be in the form of written confirmation, as opposed to a written treatment plan, and allows it from a broader range of health care professionals.

Rights and responsibilities: This bill also maintains and clarifies existing law regarding the parties' rights and responsibilities when a homeowner is sharing his or her home. A guest, companion, live-in caregiver, or family member under the care of a senior homeowner does not have any rights of tenancy in the park and any agreement between the homeowner and this person does not change the terms and conditions of the rental agreement between management and the homeowner. If a guest, companion, live-in caregiver, or family member under the care of a senior homeowner violates the park rules and regulations, it will be deemed a violation of the rules and regulations by the homeowner and subject to corresponding remedies. Additionally, nothing in the section of law amended by this bill shall be interpreted to create a duty on the part of park management to manage, supervise, or provide care for a homeowner's guest, companion, live-in caregiver, or family member under the care of a senior homeowner during that person's stay in the mobilehome park.

Arguments in support: Supporters contend that mobilehome living is one of the few affordable housing options left, particularly for low-income seniors on a fixed income. Clarifying existing law and updating the MRL to conform to existing disability law will help homeowners.

Arguments in opposition: Opponents take issue with the term "companion", as it is not a term currently used in the MRL and would "require every single lease, contract, and rules and regulations in every park in the state to be rewritten, not an easy endeavor."

Committee amendments:

The Committee may wish to consider the below amendments to the MRL, which ensure that the live-in caregiver provisions in this bill also apply to residents in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park. The amendments also make technical, clarifying changes.

The Committee amendments are as follows:

1. On page 3, in line 12, strike "or" and add a comma
2. On page 3, in line 12 after "supportive care" add ,or supervision
3. On page 3, in line 15 after "care" add or supervision
4. On page 3, in line 28, strike "subdivision" and replace it with: section
5. On page 4, add the following section to the bill:

SECTION 2. Civil Code Section 799.9 is amended to read:

(a) A homeowner may share his or her mobilehome with any person 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 by a physician and surgeon. A fee shall not be charged by management for that person.~~ Management shall not charge a fee for the live-in caregiver, but may require written confirmation from a licensed health care professional of the homeowner's need for the care or supervision, if the need is not readily apparent or already known to management. 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.~~ Management shall not charge a fee for this parent, sibling, child, or grandchild, but may require written confirmation from a licensed health care professional of the need for the care or supervision, if the need is not readily apparent or already known to management. 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.

Related legislation:

SB 1107 (Correa), Chapter 170, Statutes of 2008: Extended the provision allowing live-in care takers, when needed by the homeowner, to homeowners of any age. Previously, the provision had been limited to senior homeowners.

SB 1624 (Craven), Chapter 157, Statutes of 1996: Allowed a mobilehome owner over age 55 who resides within a senior-only mobilehome park to share his or her mobilehome with a relative who is under the age of 55, and requires medical or supportive care under a physician's written treatment plan.

SB 2547 (Keene), Chapter 881, Statutes of 1990: Added the senior live-in caregiver provision to the MRL.

AB 1370 (Moorhead), Chapter 128, Statutes of 1983: Authorized a mobilehome owner who is living alone to share the home with one person, who would be considered a guest. Prohibited management from charging a fee for this person. Provided that any agreement between this person and the homeowner would not change the terms and conditions of the rental agreement between the homeowner and management.

REGISTERED SUPPORT / OPPOSITION:

Support

Area Agency on Aging, Napa and Solano
City of Calistoga
Collabria Care
County of Ventura
Golden State Manufactured Home Owners League
Mentis
Molly's Angels
Napa County Commission on Aging
Napa County Supervisor Diane Dillon, District 3
Rianda House
Share the Care
The Arc and United Cerebral Palsy California Collaboration
UpValley Family Centers

Opposition

California Mobilehome Parkowner's Alliance
Western Manufactured Housing Communities Association

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