

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 338 (Chu) – As Amended March 18, 2019

SUBJECT: Manufactured housing: smoke alarms: emergency preparedness

SUMMARY: Makes several changes to the law relating to fire prevention and fire safety for mobilehomes and manufactured homes. Specifically, **this bill:**

- 1) Adds requirements regarding smoke alarms for rented mobilehomes, in that this bill:
 - a) Requires that all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are rented on or after January 1, 2020 have a smoke alarm installed in each sleeping room;
 - b) Requires that smoke alarms for all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold or rented shall comply with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) and have been approved and listed by the Office of the State Fire Marshal on or after January 1, 2014, pursuant to Section 13114;
 - c) Requires that information about the operation, testing, and maintenance of all smoke alarms installed in the used manufactured home, used mobilehome, or used multifamily manufactured home be provided to the renter; and
 - d) Provides that the requirements for placement, type, and testing of smoke alarms in Section 18029.6(a) will be satisfied if the lessor signs a declaration stating the requirements are met within 45 days of the rental.
- 2) Adds requirements regarding emergency preparedness plans for mobilehome parks, in that this bill:
 - a) Requires that the park owner or operator's posting notice of the emergency preparedness plan occurs annually on or before January 1st;
 - b) Requires notice of how to access the emergency preparedness plan and information on individual emergency preparedness be noticed annually on or before September 10th, and the notice include how to obtain the emergency preparedness plan in languages other than English; and
 - c) Requires the following regarding translation of the emergency preparedness plan:
 - i. Requires a park owner or operator to make the emergency preparedness plan available in English, the Medi-Cal threshold languages, and, upon written request by a resident, in the language spoken by that resident
 - ii. Requires that the Office of Emergency Services to provide translation services to the park operator or owner to fulfill these requirements.

- iii. Requires that an enforcement agency shall determine whether park management is in compliance with this requirement.
 - iv. Requires that 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
- 3) Provides that no reimbursement is required by this act pursuant to the California Constitution Article XIII B Section VI because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Government Code Section 17556, or changes the definition of a crime within the meaning of California Constitution Article XIII B Section VI.

EXISTING LAW:

- 1) Requires the Department of Housing and Community Development (HCD), pursuant to the Manufactured Housing Act (MHA), to enforce various laws pertaining to manufactured housing, mobilehomes, park trailers, and commercial coaches (Health and Safety Code Section 18000 et seq.).
- 2) Requires construction permits, issued by HCD, for alterations or conversions to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a mobilehome (Health and Safety Code Section 18029).
- 3) Requires, on the date of transfer of title, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold to have an operable smoke alarm installed in each room designed for sleeping. For manufactured homes and multifamily manufactured homes manufactured on or after September 16, 2002, each smoke alarm shall comply with the federal Manufactured Housing Construction and Safety Standards Act. For manufactured homes and multifamily manufactured homes manufactured before September 16, 2002, each smoke alarm shall be installed in accordance with the terms of its listing and installation requirements, and battery-powered smoke alarms shall be acceptable for use when installed in accordance with the terms of their listing and installation requirements. For manufactured homes and multifamily manufactured homes manufactured before September 16, 2002, the smoke alarm manufacturer's information describing the operation, method and frequency of testing, and proper maintenance of the smoke alarm shall be provided to the purchaser for any smoke alarm installed. Provides that the requirements for placement, type, and testing of smoke alarms in Section 18029.6(a) shall be deemed satisfied if the transferor signs a declaration stating the requirements have been met within 45 days of the transfer of title (Health and Safety Code Section 18029.6).
- 4) Requires an owner or operator of a mobilehome park or a recreational vehicle (RV) park to adopt an emergency management based on or comparable to the Standardized Emergency Management System Advisory Board's "Emergency Plans for Mobilehome Parks" document.

- 5) Requires that this emergency preparedness plan must be posted in the park clubhouse or in another conspicuous area within the mobilehome park (Health and Safety Code Section 18603).
- 6) Specifies that a park owner or operator must provide notice of how to access the emergency preparedness 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 (Health and Safety Code Section 18603).
- 7) Defines “Medi-Cal threshold languages” as primary languages spoken by limited-English-proficient (LEP) population groups meeting a numeric threshold of 3,000 eligible LEP Medi-Cal beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP beneficiaries residing in a single ZIP Code, or 1,500 LEP Medi-Cal beneficiaries residing in two contiguous ZIP Codes (Health and Safety Code Section 127928).

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the Bill: According to the author, “AB 338 improves fire preparedness and notifications for residents. Specifically, this bill directs mobilehome park owners and operators to make evacuation plans annually available to residents in English, the Medi-Cal threshold languages and other languages upon request of the residents. The bill specifies that translation services will be provided by the Office of Emergency Services. Additionally, this bill requires all used manufactured-homes and mobilehomes when sold or the start of a rental agreement to have smoke alarms meeting the most recent State Fire Marshal listing standard.”

Background: More than 700,000 people live in California's approximately 4,100 mobilehome parks. These parks are dispersed throughout the state. Mobilehomes are not truly mobile, in that it is often cost prohibitive to relocate them. 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.

Smoke Alarms: Existing law requires, on the date of transfer of title, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold to have an operable smoke alarm installed in each room designed for sleeping. For manufactured homes built on or after September 16, 2002, each smoke alarm must comply with the federal Manufactured Housing Construction and Safety Standards Act. For manufactured homes built before September 16, 2002, each smoke alarm must be installed in accordance with the terms of its listing and installation requirements, and battery-powered smoke alarms are acceptable for use when installed in accordance with the terms of their listing and installation requirements.

This bill would require all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold or rented to have a smoke alarms in the sleeping rooms. This bill would require that these smoke alarms comply with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 and have been approved and listed by

the Office of the State Fire Marshal on or after January 1, 2014. Smoke alarms that meet these standards have important features like an alert when the smoke alarm needs to be replaced, and, if the smoke alarm is battery-operated, contains a nonreplaceable, nonremovable battery that is capable of powering the smoke alarm for at least 10 years.

By requiring that all mobilehomes have smoke alarms, and that these alarms are modern and long lasting, this bill would improve the safety conditions for mobilehome owners.

Emergency Management Plans: Existing law provides that mobilehome parks are required to adopt an emergency preparedness plan that is based on or comparable to the Standardized Emergency Management System Advisory Board's "Emergency Plans for Mobilehome Parks" document. According to this document (as last revised, September 2011), "the goal of the emergency plan is to maintain order, and reduce the risk to life, health, and safety of park residents and emergency services personnel in the event of an emergency. The Plan should identify essential evacuation routes that will be used in an emergency situation. Residents must have access to information on evacuation routes as well as basic emergency preparedness information to enable them to take personal responsibility for themselves during an emergency." These plans include park-specific information, such as essential evacuation routes, elevation of the park property, type of disasters common to the area, public warning signals used in the community, local emergency broadcast station frequency location, and phone numbers to the local Red Cross chapter or other emergency agencies' phone numbers. The basic emergency preparedness information contained in these plans is not park-specific, and includes such information as how individual households should plan more disasters and best practices for when disaster strikes.

Existing law requires that park owners or operators must post a copy of the plan in the park clubhouse or in another conspicuous area within the park. They must have provided notice to all residents by September 10, 2010, and to all new residents thereafter, of how to access the plan, as well as how to access information on individual emergency preparedness from the appropriate state or local agencies, including, but not limited to, the Office of Emergency Services (OES).

This bill would require park owners and operators to post their emergency management plans annually. These plans would need to be available in English, the most recent Medi-Cal threshold languages, and, upon request of a resident, any other language. The park owners or operator must provide notice annually, by September 20th, to all residents about the availability of the emergency management plan, how to obtain it in languages other than English, as well as information on individual emergency preparedness. The bill requires that the OES shall provide translation services to the park operator or owner to fulfill this requirement. It requires that HCD enforce this provision, and that any violation be corrected within 60 days.

Arguments in Support: According to supporters, "(i)n a fire, every second counts. Therefore, it is important to react rapidly and accordingly, so that everyone can safely escape the fire. When installed properly, smoke alarms are a homeowner's earliest warning. In fact, when working smoke alarms are present, the chances of perishing in a fire are cut in half." They also note that by "requiring mobile home parks to have emergency plans and to make them available in the languages spoken by the residents living in those parks, we can aid residents when the next flood, wildfire, or earthquake strikes."

Arguments Against: According to opponents, “Mobilehome parks are the only form of non-subsidized housing that requires an emergency preparedness plan. AB 338 requires only mobilehome park operators, and not apartment, condominiums, or other gated developments, to provide such level of detail annually to their residents. The bill requires an already overloaded Office of Emergency Services (OES) to provide translation services to fulfill the requirements of this subdivision.”

Staff comments: The bill’s intent of providing emergency preparedness information to people in the language they speak is important for disaster prevention and survival. However, translating material for all 4,100 different mobilehome parks could be a significant cost to the state. Emergency preparedness plans include a section on how to prepare for a fire in an individual’s home and a section on park preparedness. One way to increase efficiency is to create a standard set of information for the individual emergency preparedness portion of the plans and make this information available via the internet.

The bill would require OES to translate the emergency management plans, and an enforcement agency (typically HCD) to enforce that this translation has occurred. Procedurally, this could lead to HCD enforcing against OES and potentially holding the park owner or operator responsible for another agency’s actions. The Committee should consider requiring HCD to undertake the translations, thereby better aligning compliance and enforcement.

As written, current law implies that information on individual emergency preparedness is not part of the park’s emergency management plan. However, as discussed, this material definitively is required. The Committee should consider amendments clarifying that information on individual emergency management is part of the emergency management plan.

The bill would require mobilehome owners to post the plan annually. The Committee should consider the necessity of this requirement. Unlike notices, which are distributed at one time, the plan itself is continuously posted. Requiring that it be posted annually could cause confusion by conveying that at times it need not be posted at all, which is not the case.

While the state cannot mandate preparedness, the inclusion of annual noticing requirements contained in the bill is likely beneficial for overall safety planning by residents. However, the Committee should consider removing the specific annual notification date, thereby enabling the park owner or operator to better align the notification with other notification or outreach efforts that might result in closer scrutiny by the residents.

Committee Amendments: To address the issues raised above, the Committee may wish to consider the following amendments:

- Require that the state translate the portion of emergency management plans related to individual preparedness into all of the Medi-Cal threshold languages, and that HCD posts this information to its website.
- Require that HCD be responsible for the translation of emergency management plans.
- Clarify that information on individual emergency management is part of the emergency management plan.
- Delete the requirement to post the emergency management plan annually.

- Remove the requirement that the annual notice of the availability of the emergency management plan occur on a specific date.

Previous Legislation

AB 2588 (Chu) of 2018: This bill is substantially similar to this AB 338. It would have made several changes to the law relating to fire prevention and fire safety for mobilehomes and manufactured homes. *This bill was vetoed by the Governor.* According to the Governor's Veto Message:

“This bill requires a mobilehome park owner to post annually an emergency preparedness plan in the park and to have the Department of Housing and Community Development provide translation services for the plan.

This is a matter best addressed by local governments in collaboration with the mobilehome park owners. This partnership would allow for the tailoring of each emergency plan to reflect the unique topography, climate, and conditions of each individual community.”

SB 1394 (Lowenthal), Chapter 420, Statutes of 2012: Among other things, required, after January 1, 2014, that a smoke alarm, in order for the State Fire Marshal to approve and list the device, display the date of manufacture, provide a place where the date of installation can be written, incorporate a hush feature, incorporate an end-of-life feature providing notice that the device needs to be replaced, and, if battery-operated, contain a nonreplaceable, nonremovable battery that is capable of powering the smoke alarm for a minimum of 10 years.

SB 23 (Padilla), Chapter 551, Statutes of 2009: Requires an owner or operator of a mobilehome park or an RV park to adopt and post notice of an emergency preparedness plan.

AB 2050 (Garcia), Chapter 737, Statutes of 2008: Requires, at the time of sale, all mobilehomes and manufactured homes to have a smoke alarm installed in each room designed for sleeping and to have all fuel-gas-burning water heaters seismically braced, anchored, or strapped.

AB 925 (O’Connell), Chapter 1125, Statutes of 1990, first created the MPM Inspection Program, and required HCD or a local enforcement agency to inspect every mobilehome and every mobilehome park in the state once every five years.

REGISTERED SUPPORT / OPPOSITION:

Support

City of San Jose (sponsor)
Allstate Insurance Company
American Red Cross
California Professional Firefighters
Golden State Manufactured-home Owners League

Opposition

Western Manufactured Housing Communities Association (oppose unless amended)

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