

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 2588 (Chu) – As Amended April 2, 2018

**SUBJECT:** Manufactured housing

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

- 1) Provides that all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold or rented shall have a smoke alarm that is approved by the State Fire Marshal as of January 1, 2014, at the point of sale, that displays the date of manufacture, provides an area on the smoke alarm where the date of installation can be posted, includes a hush feature, includes an end-of-life feature that sends 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.
- 2) Provides that a park owner or operator must annually, on or before January 1, post notice of the emergency preparedness plan in the park clubhouse or in another publicly accessible area within the park.
- 3) Specifies that on or before September 10, 2019, and annually thereafter, a park owner or operator must 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, and how to obtain the plan in a language other than English, to all existing residents. This notice shall also be provided, upon approval of tenancy, to all new residents. Consistent with existing law, 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.
- 4) Requires a park owner or operator to make the emergency preparedness plan available in English, the Medi-Cal threshold languages, as defined by Health and Safety Code Section 127928, and, upon written request by a resident, either by a hard copy or electronically, the language spoken by that resident. Requires the Department of Housing and Community Development (HCD) to provide translation services to the park operator or owner to fulfill these requirements.
- 5) Requires HCD to establish and provide a technical service inspection program to residents of a mobilehome park to provide onsite information relating to the technical data and other information available from HCD relating to the health and safety, construction, or maintenance of a mobilehome, as well as the application of the Mobilehome Parks Act. Notwithstanding any other provision of law, HCD shall apply this information to a specific mobilehome park or mobilehome without imposing a penalty for a violation of the Mobilehome Parks Act.

- 6) Authorizes HCD to charge a fee of not more than \$120 per hour to provide a technical service inspection. HCD shall disclose the amount of the fee to be charged at least three days prior to providing the technical service inspection.
- 7) Requires HCD to create an access point for the technical service inspection program on its Internet Web site, along with information about the program and how to obtain assistance through a mobilehome assistance center. This information should include services available, contact information, applicable deadlines, and the fee associated with available services. A person who requests service pursuant to the program shall do so in writing.
- 8) Requires HCD to provide informational documents about the technical service inspection program to mobilehome park owners and operators for distribution to the residents. Within 30 days of receipt of these informational documents, the park owner or operator shall make them available in the park clubhouse or in another publicly-accessible area within the mobilehome park and notify the residents about the informational documents and where they are available.
- 9) Makes technical, clarifying changes.
- 10) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution 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 Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**EXISTING LAW:**

- 1) Requires 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 (Health and Safety Code Section 18029.6).
- 4) Requires HCD, pursuant to the Mobilehome Parks Act (MPA), to regulate the construction, installation, use, maintenance, and occupancy of mobilehomes and mobilehome parks (Health and Safety Code Section 18200, et seq.).

- 5) Gives local agencies the option of assuming enforcement authority of the state's mobilehome codes and regulations within their jurisdictions through agreement with HCD (Health and Safety Code Section 18300).
- 6) Requires, pursuant to the Mobilehome Park Maintenance (MPM) Inspection Program, HCD or a local enforcement agency, until January 1, 2019, to inspect mobilehome parks proactively with a goal of inspecting at least five percent of parks per year and a focus on those parks for which the enforcement agency has received complaints about serious health and safety violations (Health and Safety Code Section 18400.1).
- 7) Authorizes HCD or a local enforcement agency, until January 1, 2019, to collect annually a per space fee of \$4 to fund the MPM inspection program, \$2 of which the mobilehome park owner may charge to individual homeowners (Health and Safety Code Section 18502).
- 8) Requires HCD to convene a task force every six months to provide input to HCD on the conduct and operation of the MPM inspection program. The task force includes mobilehome park owners, mobilehome owners, local enforcement agencies, and legislative representatives. HCD must report to the task force information on the number of parks and spaces that were inspected, the amount of fees collected and expended, the most common violations discovered, and the number of violations identified plus progress on correcting those violations (Health and Safety Code Section 18400.3).
- 9) Requires an owner or operator of a mobilehome park or a recreational vehicle (RV) park to adopt and post notice of an emergency preparedness plan (Health and Safety Code Section 18603).
- 10) Requires that in every mobilehome park and RV Park a person be available in person or by telephonic means to respond in a timely manner to emergencies concerning the operation or maintenance of the park. In parks of 50 or more units, this person or his or her designee shall reside in the park and have knowledge of the emergency procedures of the park's utility systems and common facilities (Health and Safety Code Section 18603).
- 11) 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).
- 12) 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:**

Need for this bill: According to the author, "[t]his past year, the devastating fires across our state destroyed mobilehome and manufactured home communities in both Santa Rosa and Fallbrook. Isolated fires have taken lives this year as well. In August of 2017, a fire in a San Jose mobilehome park killed three community members, two of whom were children; another fire in San Leandro in September left two dead.

"National data reveals that 51 percent of fires that have occurred in manufactured homes had no smoke alarms. While there are federal requirements for alarms, there continues to be a problem with residents removing them. In California, despite the update of State Fire Marshal standards, state law allowed stores to sell remaining stock of older smoke alarms until 2015. This law also allowed residents to keep their existing smoke detectors until inoperability, leaving many older smoke detectors in homes. In addition, the MPM program is only required to inspect five percent of parks per year - leaving many unexamined for potential health and safety hazards. These inspectors only check the exterior of homes, not entering to evaluate internal risks like a blocked safety exit or missing fire alarm.

"AB 2588 improves fire preparedness, access to in-home inspections and notifications for residents. Specifically, it directs the state to provide a voluntary in-home inspection program for residents charging a reasonable fee for service. Second, AB 2588 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. Additionally, this bill requires all used manufactured homes and mobilehomes at the point of sale or the start of a rental agreement to have a smoke alarm meeting 2014 State Fire Marshal Standards."

Background: 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.

Smoke Detectors: 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 alarm that is approved by the State Fire Marshal as of January 1, 2014, at the point of sale, that displays the date of manufacture, provides an area on the smoke alarm where the date of installation can be posted, includes a hush feature, includes an end-of-life feature that sends 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.

The Committee may wish to consider retaining the language that smoke alarms must be approved by the State Fire Marshal as of January 1, 2014, but striking the language relating to the specific features of the smoke alarm, so as not to limit the types of post-2014 approved smoke alarms that will be compliant with that section.

Mobilehome Park Evacuation Plans: Existing law provides that mobilehome parks are required to adopt an emergency preparedness plan. Park owners or operators must post a copy of the plan in the park clubhouse or in another conspicuous area within the park. They also must 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. 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.

This bill would require park owners and operators to annually make these plans available in English, the most recent Medi-Cal Threshold languages, and other languages upon request of a resident. It directs HCD to provide translation services to the park operator or owner to fulfill these requirements. Rather than providing the plan in a conspicuous area within the park, this bill specifies that the plan must be in a publicly accessible area.

Mobilehome park inspections: Under the MPA and the Special Occupancy Parks Act, HCD regulates mobilehome parks and RV parks to assure protection of the health, safety, and general welfare of all park residents. Local agencies have the option of assuming enforcement authority for the MPA within their jurisdictions through agreement with HCD. Enforcement agencies inspect those parks that have a history of health and safety code violations or about which the agency receives a complaint regarding a potential health or safety code violation.

Since 1991, the MPM Inspection Program provides a complete, scheduled inspection of mobilehome parks, as contrasted with the complaint-driven inspections that otherwise occur. The program was created because of concerns that the complaint inspection process by itself did not adequately address deteriorating health and safety conditions in some parks. Under the MPM inspection program, HCD or a local enforcement agency must inspect mobilehome parks proactively with a goal of inspecting at least five percent of parks per year and a focus on those parks for which the enforcement agency has received complaints about serious health and safety violations.

As a result of the MPM program, HCD and local enforcement agencies have cited both park owners and homeowners for tens of thousands of health and safety violations, which as a result have been remedied. Every six months, HCD convenes a task force to provide input to HCD on the conduct and operation of the MPM inspection program. To fund the program, HCD or a local enforcement agency are authorized to collect annually a per space fee of \$4, half of which the park owner may charge to individual homeowners. The MPM sunsets on January 1, 2019. The sunset date has been extended multiple times since the program's creation in 1991, and at this time it is unclear what the program's status will be in 2019.

HCD also offers technical service inspections under both the MPA and the MHA. Pursuant to current regulations, the fee for this service is \$196 for the first hour, \$82 for second and subsequent hour, and \$41 for each thirty additional minutes. These fees are based on a time-motion study done in 2000, and have not been adjusted for inflation.

Homeowners may also retain private home inspectors who specialize in mobilehomes for a variety of inspection services.

This bill would require HCD to create a new technical service inspection program for residents of a mobilehome park to provide onsite information relating to the technical data and other information relating to the health and safety, construction, or maintenance of a mobilehome, as well as the application of the MPA. If a violation of the MPA is found in the course of the inspection, HCD cannot impose a penalty. HCD may charge up to \$120 per hour for these inspections. It is unclear whether this fee will be sufficient to fund this new inspection program.

As noted above, the author is concerned that the existing MPM program is insufficient because inspectors only visit five percent of parks per year, and only inspect the exterior of the homes within a park. Additionally, if inspectors find a violation in the course of any of the existing inspection processes, the homeowner or park receives a citation. This bill would create a voluntary technical inspection program for residents who want information about their home's compliance with specified standards without fear of receiving a citation.

Arguments in support: Supporter Golden State Manufactured-Home Owners League contends that, by requiring up-to-date smoke alarms, publicly available emergency preparedness plans in multiple languages, and a punitive-free inspection program, this bill will promote fire safety in mobilehomes and parks throughout the state.

Arguments in opposition: Opponent Western Manufactured Housing Communities Association (WMA) has several concerns with the bill, including codifying State Fire Marshal standards exclusively for manufactured housing and mandating parks to provide emergency preparedness plans in languages other than English. WMA also contends that the bill's new inspection program will divert HCD's already limited number of code enforcement inspectors to what amounts to a private sector function.

Committee amendments: To better reflect the author's intent, the Committee proposes the following amendments, which retain the language that smoke alarms must be approved by the State Fire Marshal as of January 1, 2014, but strike the language relating to the specific features of the smoke alarm, so as not to limit the types of post-2014 approved smoke alarms that will be compliant with that section. The amendments also make a number of technical changes and clarify that HCD cannot cite a participant in the voluntary inspection program for a violation of the MHA (in addition to the MPA).

The proposed committee amendments are as follows:

1. On page 3, in line 3, delete "All" and insert:

On or after January 1, 2019, all

2. On page 3, in line 5, delete "is" and insert:

has been

3. On page 3, in line 5, after "approved" insert:

and listed

4. On page 3, in line 5, after "the" insert:

Office of the

5. On page 3, in line 6, delete "as of" and insert:

on or after

6. On page 3, in line 6, delete "2014, at the point of sale, that", delete lines 7 to 12, inclusive, and insert:

2014.

7. On page 6, in line 27, delete "part." and insert:

part or the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13).

Related legislation:

SB 46 (Leyva): Would have removed the MPM repeal date of January 1, 2019, thereby extending imposition of the \$4 per lot fee indefinitely. *This bill died in the Assembly Committee on Housing and Community Development.*

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**

Golden State Manufactured-Home Owners League

**Opposition**

Western Manufactured Housing Communities Association

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