Laws and Regulations
2014 Edition

Selected Citations from the California Business and Professions Code, Civil Code, Education Code, Elections Code, Government Code, Health and Safety Code, Labor Code, Penal Code, Public Resources Code, Public Utilities Code, Revenue and Taxation Code and Vehicle Code

Selected Citations from the United States Code Annotated, Title 42,
Selected Citations from the California Code of Regulations, Title 25,
Selected Citations from the Code of Federal Regulations, Title 24,
and the United States Department of Housing and Urban Development Interpretative Bulletins.

Includes Law Changes through 1/1/2014
and Regulation Changes through 3/7/2014

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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

LAWS & REGULATIONS

2014 EDITION

Volume 1

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Product Number: 3124317 (Pub. 31236)

FOREWORD

The California Department of Housing and Community Development is pleased to present the 2014 edition of the Bluebooks, Volumes 1 and 2 of the *California Department of Housing and Community Development Laws and Regulations*. Its purpose is to provide a convenient resource for the government and private sectors, housing professionals, attorneys, clients, and the general public to identify California's statutes and regulations governing housing and community development.

Scope and Contents of Legislation:

California Legislation is currently amended through chapter 800 of the 2013 Regular Session and through Chapter 5 of the First Extraordinary Session of the 2013-2014 Legislature. All California legislative enactments in 2013 are effective 1/1/2014, unless otherwise indicated.

California Code of Regulations is currently amended through 2014 Register No. 10 (March 7, 2014).

Federal Legislation is currently amended through the First Session of the 113th Congress (Public Laws 113-1 to 113-56).

The **Code of Federal Regulations** is currently amended through March 7, 2014.

All changes have been incorporated in text, and effective dates have been added where applicable.

KEY

Presentation of Legislative Changes in Statutes

— Additions or changes in statutes affected by 2013 legislation are indicated by underlining.

— Deleted language in statutes is indicated by strike-throughs.

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April 2014

ABOUT THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

The California Department of Housing and Community Development is one of six departments within the Business, Consumer Services and Housing Agency (BCSH). As California's principal housing agency, the mission of HCD is to provide leadership, policies and programs to preserve and expand safe and affordable housing opportunities and promote strong communities for all Californians.

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1422	Amended	2013 No. 8
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3280.111	Amended	78 FR 73966, 73981, Dec. 9, 2013
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3280.204	Amended	78 FR 73966, 73982, Dec. 9, 2013
3280.207	Redesignated/Added	78 FR 73966, 73982, Dec. 9, 2013
3280.208	Redesignated/Added	78 FR 73966, 73982, Dec. 9, 2013
3280.209	Redesignated/Added	78 FR 73966, 73982, Dec. 9, 2013
3280.210	Redesignated/Added	78 FR 73966, 73982, Dec. 9, 2013
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3280.402	Amended	78 FR 4060, 4065, Jan. 18, 2013
3280.403	Amended	78 FR 73966, 73983, Dec. 9, 2013
3280.404	Amended	78 FR 73966, 73983, Dec. 9, 2013
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3282.362	Amended	78 FR 60193, 60199, Oct. 1, 2013
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HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 1 EMPLOYEE HOUSING ACT

Chapter 1 GENERAL PROVISIONS AND DEFINITIONS

§ 17000. Citation of part

This part shall be known as the Employee Housing Act.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17001. Employee housing compliance with building standards

Buildings used for human habitation, and buildings accessory thereto, within employee housing shall comply with the building standards published in the State Building Standards Code relating to employee housing and with the other regulations adopted pursuant to this part, unless a local ordinance prescribing minimum standards adopted in accordance with Sections 17958.5 and 17958.7 which is equal to such regulations is applicable. Notwithstanding the provisions of Section 17050, if such a local ordinance is applicable to buildings used for human habitation, and buildings accessory thereto, within employee housing, these buildings shall comply with the construction and erection provisions of the ordinance.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 45; Stats 1992 ch 1298 § 4 (AB 3526).

§ 17002. Approval of alternate material, appliance, installation, device, arrangement, or method of construction

The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or me thod of construction not specifically prescribed by this part if such alternate has been approved by the Department of Housing and Community Development.

The Department of Housing and Community Development may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability and safety, for the protection of life and health.

This section shall not apply to a local ordinance which is applicable pursuant to Section 17001.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17003. "Commission"

"Commission," as used in this part, means the Commission of Housing and Community Development.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17003.5. Commission as Department of Housing and Community Development

Any reference in this division to the Commission of Housing and Community Development shall be deemed to be to the Department of Housing and Community Development and the department may exercise all the powers and shall perform all the duties of the commission.

Added Stats 1981 ch 996 § 1.

§ 17004. "Department"

"Department," as used in this part, means the Department of Housing and Community Development.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17005. "Employee"

"Employee," as used in this part, does not include any of the following:

(a) A person engaged in household domestic service.

(b) A person employed under circumstances in which his wages are incidental to professional training and where the employer is exempt from taxation under subdivision (b) of Section 4 of Article XIII of the California Constitution.

(c) A person employed incidental to training for, or in furtherance of, a religious vocation and where the employer is exempt from taxation under subdivision (f) of Section 3 of Article XIII of the California Constitution.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17005.5. "Employee community housing"; "Community"

(a) "Employee community housing" means a community of single family detached dwellings which meet all of the following requirements:

(1) Each dwelling has a minimum of four rooms, including a separate kitchen and a separate bathroom.

(2) Each dwelling is owned or operated by an employer, and maintained by such employer in compliance with the provisions of the State Housing Law, and the regulations adopted pursuant thereto, which materially affect health and safety.

(3) Each dwelling is inhabited by not more than one family, which includes at least one permanent year–round employee of the employer who owns or operates the dwelling.

(4) Each dwelling has direct access to a publicly owned and maintained road.

(5) Each dwelling is located within a community, as defined in subdivision (b).

(b) "Community" means not less than 200 single family detached dwellings meeting the requirements of subdivision (a), which are adjacent or in close proximity to each other, and which have maintenance services available to the residents of the dwelling units provided by persons employed by the employer for the express purpose of providing such services.

Added Stats 1979 ch 1031 § 2.

§ 17006. "Resident–employment housing"

"Resident–employment housing," as used in this part, means apartment houses, hotels, motels, or dwellings, where living quarters are provided for five or more employees employed in the management, maintenance, or operation of an apartment house, hotel, motel, or dwellings.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 5 (AB 3526).

§ 17007. "Enforcement agency"

"Enforcement agency," as used in this part, means the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part, pursuant to Section 17050.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17008. "Employee housing"

(a) "Employee housing," as used in this part, means any portion of any housing accommodation, or property upon which a housing accommodation is located, if all of the following factors exist:

(1) The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance–of–way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

(2) The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.

(b)(1) "Employee housing," as used in this part, also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

(A) The housing accommodations or property are located in any rural area, as defined by Section 50101.

(B) The housing accommodations or property are not maintained in connection with any work or workplace.

(C) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in Section 1140.4 of the Labor Code.

(D) The housing accommodations or property are used by five or more agricultural employees of any agricultural employer or employers for any of the following:

(i) Temporary or seasonal residency.

(ii) Permanent residency, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.

(iii) Permanent residency, if the housing accommodation is subject to the State Housing Law and is more than 30 years old and at least 51 percent of the structures in the housing accommodation, or 51 percent of the accommodation if not separated into units, are occupied by agricultural employees.

(E) “Employee housing” does not include a hotel, motel, inn, tourist hotel, multifamily dwelling, or single–family house if all of the following factors exist:

(i) The housing is offered and rented to nonagricultural employees on the same terms that it is offered and rented to agricultural employees.

(ii) None of the occupants of the housing are employed by the owner or property manager of the housing or any party with an interest in the housing.

(iii) None of the occupants of the housing have rent deducted from their wages.

(iv) The owner or property manager of the housing is not an agricultural employer as defined in Section 1140.4 of the Labor Code, or an agent, as it relates to the housing in question, of an agricultural employer.

(v) Negotiation of the terms of occupancy of the housing is conducted between each occupant and the owner of the housing or between each occupant and a manager of the property who is employed by the owner of the housing.

(vi) The occupants are not required to live in the housing as a condition of employment or of securing employment and the occupants are not referred to live in the housing by the employer of the occupants, the agent of the employer of the occupants, or an agricultural employer as defined in Section 1140.4 of the Labor Code.

(vii) The housing accommodation was not at any time prior to January 1, 1984, employee housing as defined in subdivision (a).

(2) “Employee housing,” as defined by this subdivision, does not include a hotel, motel, inn, tourist hotel, or permanent housing as defined by subdivision (d) of Section 17010, which has not been maintained, prior to January 1, 1984, or is not maintained on or after that date, as employee housing, as defined in subdivision (a).

(3) If at any time prior to January 1, 1984, a housing accommodation was employee housing, as defined in subdivision (a), and on or after January 1, 1984, was employee housing, as defined in this subdivision, the owner and operator shall comply with all requirements of this part. The owner and operator of any other housing accommodation which is employee housing pursuant to this subdivision shall be subject to the licensing and inspection provisions of this part and shall comply with all other provisions of this part, except that if any portion of the housing accommodation is held out for rent or lease to the general public, the construction and physical maintenance standards of the housing accommodation shall be consistent with the applicable provisions of the State Housing Law, Part 1.5 (commencing with Section 17910), the Mobilehome–Manufactured Homes Act, Part 2 (commencing with Section 18000); or the Mobilehome Parks Act, Part 2.1 (commencing with Section 18200). The owner or operator of the employee housing shall designate all units or spaces which are employee housing, as defined in this subdivision, for the purpose of inspection and licensing by the enforcement agency, subject to confirmation by the enforcement agency, based on all relevant evidence.

(c) “Employee housing” does not include employee community housing, as defined by Section 17005.5, which has been granted an exemption pursuant to Section 17031.3; housing, and the premises upon which it is situated, owned by a public entity; or privately owned housing, including ownership by a nonprofit entity, and the premises upon which it is situated, financed with public funds equaling 50 percent or more of the original development or purchase cost.

(d) “Employee housing” means the same as “labor camp,” as that term may be used in this or other codes and, notwithstanding any local ordinance to the contrary in a general law or charter city, county, or city and county, shall be deemed a residential use if it exists in structures that are single–family houses or apartment houses as those terms are used in the State Housing Law (Part 1.5 (commencing with Section 17910)).

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1031 § 1; Stats 1983 ch 777 § 1; Stats 1985 ch 900 § 2; Stats 1992 ch 1298 § 6 (AB 3526); Stats 1995 ch 561 § 1 (SB 851).

§ 17008.7. [Section repealed 1998.]

Added Stats 1996 ch 954 § 1, effective September 26, 1996. Repealed Stats 1998 ch 371 § 1. The repealed section related to housing assisted under Farmworker Housing Assistance Program.

§ 17009. “Labor supply employee housing”

“Labor supply employee housing,” as used in this part, means any place, area, or piece of land where housing is provided for five or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation that, for a fee or in–kind payment, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee or in–kind payment, provides in connection therewith one or more of the following services:

(a) Furnishes board, lodging, or transportation for such employees or prospective employees.

(b) Supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees.

(c) Disburses wage payments to such employees.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 7 (AB 3526).

§ 17009.5. “Person”

(a) “Person,” as used in this part, includes any natural person, firm, association, organization, partnership, business trust, company, joint stock company, corporation, limited liability company, joint venture, or other organizations of persons.

(b) "Person," as used in this part, may be used interchangeably with "tenant" or "employee," and those terms are used interchangeably when the context does not imply an employer or an owner of employee housing.

Added Stats 1992 ch 1298 § 8 (AB 3526). Amended Stats 1994 ch 1010 § 160 (SB 2053).

§ 17010. "Temporary employee housing"; "Seasonal employee housing"; "Permanent employee housing"; "Permanent single–family employee housing"

(a) "Temporary employee housing," as used in this part, means a labor camp which is not operated on the same site annually and which is established for one operation and is then removed.

(b) "Seasonal employee housing," as used in this part, means any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year.

(c) "Permanent employee housing," as used in this part, means any labor camp which is not temporary or seasonal.

(d) "Permanent single–family employee housing," as used in this part, means single–family detached dwellings, mobilehomes, as defined in Section 18008, manufactured homes, as defined in Section 18007, or factory–built housing, as defined in Section 19971, constructed and maintained in accordance with applicable state or federal laws, including required permits and inspections. Each dwelling shall be inhabited by only one family, which includes at least one permanent year–round employee. "Permanent single–family employee housing" does not include housing accommodations or property, as defined in subparagraph (D) of paragraph (1) of subdivision (b) of Section 17008.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 385 § 1; Stats 1985 ch 674 § 1.3; Stats 1992 ch 1298 § 9 (AB 3526).

§ 17011. "Sleeping place"

"Sleeping place," as used in this part, means a dwelling, bunkhouse, tent, mobilehome, or other structure or shelter in which employees are housed in any employee housing.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 10 (AB 3526).

§ 17012. [Section repealed 1992.]

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Repealed Stats 1992 ch 1298 § 11 (AB 3526). The repealed section defined of "willful violation."

Chapter 2 APPLICATION AND SCOPE

§ 17020. Provisions of part applicable in all parts of state

(a) Except as otherwise provided in this part, the provisions of this part, building standards published in the State Building Standards Code relating to employee housing, and the other rules and regulations promulgated pursuant to the provisions of this part which relate to labor camps apply in all parts of the state and supersede any ordinance or regulations enacted by any city, county, or city and county applicable to labor camps. Rules and regulations adopted or continued in effect prior to January 1, 1980, by former Chapter 4 (commencing with Section 2610) of Part 9 of Division 2 of the Labor Code are hereby continued in effect as rules and regulations under this part until amended or repealed by the Department of Housing and Community Development.

(b) Building standards, as defined by Section 18909, shall remain in effect only until January 1, 1985, or until adopted, amended, or superseded by provisions published in the State Building Standards Code relating to employee housing pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, whichever occurs sooner.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 46; Stats 1983 ch 101 § 117; Stats 1992 ch 1298 § 12 (AB 3526).

§ 17021. Particular local requirements reserved to local jurisdictions

(a) Except as provided in Sections 17021.5 and 17021.6, local use zone requirements, local fire zones, property line, source of water supply and method of sewage disposal requirements are hereby specifically and entirely reserved to the local jurisdictions.

(b) Notwithstanding any other provision of law, with respect to a building permit, grading permit, or other approval from a city or county building department for the rehabilitation of real property improvements that are or will be employee housing for agricultural employees, or from a city or county health department for the operation, construction, or repair of a water system or waste disposal system servicing employee housing for agricultural employees, all of the following processing requirements shall apply:

(1) The local building or health department shall have up to 60 calendar days to approve or deny a complete application or permit request accompanied by applicable fees, or a shorter time period if required by the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code). An application or permit request may be denied on procedural grounds only if the denial occurs within 30 calendar days and the denial includes an itemization of the procedural defects. An application or permit request may be denied on substantive grounds if the denial includes an itemization of all substantive defects.

(2) If the application or permit request is not approved or denied by the local building or health department within the period prescribed by paragraph (1), then the Department of Housing and Community Development may approve the application or permit request if it determines that the plans are consistent with all applicable building codes and health and safety requirements. At that time, the applicant may initiate any work consistent with the application or permit approved pursuant to this subdivision. Upon completion of the work, any other state or local agency shall accept the improvements as if they had been approved by the local building or health department. However, if that other local agency identifies any defects that would have resulted in that agency's disapproval of the improvements or plans thereto, those defects may be identified by the agency and shall be corrected by the applicant. The local building or health department shall inspect the plans and improvements prior to and during rehabilitation and issue a certificate of completion if the work is consistent with the plans and all applicable building codes and health and safety requirements.

(c) Nothing in this section shall be construed to exempt an application or permit request from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) For purposes of this section, "agricultural employee" has the same meaning specified in subdivision (b) of Section 1140.4 of the Labor Code.

(e) The Department of Housing and Community Development may recover from a local building or health department costs incurred to review an application or permit request in compliance with paragraph (2) of subdivision (b). The amount recoverable may not exceed the applicable plan check fee published by the International Conference of Building Officials.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 13 (AB 3526); Stats 2000 ch 702 § 1 (SB 1545); Stats 2001 ch 118 § 15 (SB 742), effective July 30, 2001; Stats 2001 ch 118 § 15 (SB 742), effective July 30, 2001.

§ 17021.5. Single–family structure with residential land use designation; Taxes and fees

(a) Any employee housing which has qualified, or is intended to qualify, for a permit to operate pursuant to this part may invoke the provisions of this section.

(b) Any employee housing providing accommodations for six or fewer employees shall be deemed a single–family structure with a residential land use designation for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) or local building codes.

(c) Except as otherwise provided in this part, employee housing that serves six or fewer employees shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other family dwellings of the same type in the same zone are not likewise subject. Nothing in this subdivision shall be construed to forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other family dwellings of the same type in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator or any resident for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to employee housing which serves six or fewer persons.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing which serves six or fewer employees shall be considered a residential use of property and a use of property by a single household, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local needs. This section shall apply equally to any charter city, general law city, county, city and county, district and any other local public entity.

Added Stats 1992 ch 1298 § 14 (AB 3526). Amended Stats 1993 ch 952 § 1 (AB 2011).

§ 17021.6. Agricultural land use designation; Taxes and fees

(a) The owner of any employee housing who has qualified or intends to qualify for a permit to operate pursuant to this part may invoke this section.

(b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

(c) Except as otherwise provided in this part, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject. This subdivision does not forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other agricultural activities in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator, or any resident for enforcing fire inspection regulation pursuant to state law or regulations or local ordinance, with respect to employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be considered an agricultural use of property, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need. This section shall apply equally to any charter city, general law city, county, city and county, district, and any other local public entity.

(f) If any owner who invokes the provisions of this section fails to maintain a permit to operate pursuant to this part throughout the first 10 consecutive years following the issuance of the original certificate of occupancy, both of the following shall occur:

(1) The enforcement agency shall notify the appropriate local government entity.

(2) The public agency that has waived any taxes, fees, assessments, or charges for employee housing pursuant to this section may recover the amount of those taxes, fees, assessments, or charges from the landowner, less 10 percent of that amount for each year that a valid permit has been maintained.

(g) Subdivision (f) shall not apply to an owner of any prospective, planned, or unfinished employee housing facility who has applied to the appropriate state and local public entities for a permit to construct or operate pursuant to this part prior to January 1, 1996.

Added Stats 1992 ch 1298 § 15 (AB 3526). Amended Stats 1993 ch 952 § 2 (AB 2011); Stats 1995 ch 376 § 1 (SB 305); Stats 2004 ch 818 § 2 (SB 1777); Stats 2006 ch 520 § 1 (SB 1802) (ch 520 prevails), ch 538 § 373 (SB 1852), effective January 1, 2007; Stats 2011 ch 74 § 1 (AB 840), effective January 1, 2012.

§ 17021.7. Applicability of Mobilehome Parks Act to mobilehomes and recreational vehicles used to house agricultural employees

Notwithstanding subdivision (b) of Section 18214, subdivision (b) of Section 18862.39, and subdivision (b) of Section 18862.47, mobilehomes and recreational vehicles used to house agricultural employees shall be maintained in conformity with the applicable requirements of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)).

Added Stats 1994 ch 896 § 4 (AB 3735). Amended Stats 2003 ch 814 § 1 (SB 306).

§ 17022. Enforcement of occupational safety and health standards

Enforcement of occupational safety and health standards established pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code is hereby specifically and entirely reserved to the Division of Industrial Safety.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17022.5. Model plans for employee housing

The department shall adopt, and make available to the public, model or prototype plans for several types of employee housing, including, but not limited to, barracks, seasonal housing, family housing, and recreational vehicle parks. Any person intending to construct employee housing may adopt one or more of these models as the plans for the proposed housing.

Added Stats 1986 ch 1495 § 2.

§ 17023. Rules and regulations; Building standards

(a) Rules and regulations adopted or continued in effect pursuant to the provisions of this part relating to the erection or construction of buildings or structures within employee housing shall not apply to existing buildings or structures or to buildings and structures as to which construction is commenced or approved prior to the effective date of the rules and regulations, except by act of the Legislature, but regulations relating to use, maintenance, and occupancy shall apply to all employee housing approved for construction and operation before or after the effective date of these rules and regulations.

(b) Building standards, as defined in Section 18909, shall remain in effect only until January 1, 1985, or until adopted, amended, or superseded by provisions published in the State Building Standards Code pursuant to Chapter

4 (commencing with Section 18935) of Part 2.5, whichever occurs sooner.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 48; Stats 1992 ch 1298 § 16 (AB 3526).

§ 17024. Exemptions

This part does not apply to resident–employment housing provided for faculty or employees of any public or privately operated school, college, or university. This part does not apply to any employee housing owned, operated, and maintained by any of the following:

(a) The federal government.

(b) The state.

(c) Any agency or political subdivision of the state.

(d) Any city, county, or city and county.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1984 ch 1342 § 4, effective September 26, 1984, operative January 1, 1985; Stats 1992 ch 1298 § 17 (AB 3526).

Chapter 3 PERMITS AND FEES

§ 17030. Permit to operate employee housing; Exemptions

(a) Every person operating employee housing shall obtain a permit to operate that employee housing from the enforcement agency, unless otherwise exempted by this part. It shall be unlawful for any person to operate employee housing without a valid permit to operate issued by the enforcement agency, as required by this part. Permits to operate shall be issued annually by the enforcement agency, except as provided in this section and Section 17030.5.

(b) Employee housing on a dairy farm which meets the requirements of Section 32505 of the Food and Agricultural Code, consisting only of permanent single–family employee housing, may be exempted from the requirement of obtaining a permit to operate employee housing, as provided in Section 17031. This housing shall meet the requirements of the State Housing Law before an exemption is granted.

(c) A permit to operate shall be valid from the date of issuance through December 31 of the year of issuance, or December 31 of the year designated by the enforcement agency for permanent single–family employee housing. Permits to operate employee housing may prescribe conditions on the use or occupancy of the employee housing.

(d) The Department of Housing and Community Development shall be the enforcement agency for any employee housing owned or operated by a railroad corporation.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 385 § 2; Stats 1980 ch 45 § 1, effective March 20, 1980; Stats 1992 ch 1298 § 18 (AB 3526).

§ 17030.5. Multiyear permits

(a) A permit to operate employee housing consisting only of permanent single–family housing may, when approved by the enforcement agency, be issued for a longer period of time not to exceed five years.

(b) No permit to operate employee housing shall be issued for a period of time longer than one year during the first year of operation of the employee housing, or if within the previous two years the employee housing has been found to be in violation of this part or the regulations adopted pursuant thereto. Whenever the enforcement agency issues a permit for a period of time longer than one year, it shall make written findings indicating the reasons for issuing such a permit.

(c) The findings of the enforcement agency pursuant to subdivision (b) shall include, but not be limited to, the following information:

(1) The year the dwellings in the employee housing were constructed.

(2) The number of years the employee housing has been operated with a valid permit to operate.

(3) The number and character of any complaints received during the time the employee housing has been operating either with or without a permit.

(4) Any violations cited in the last inspection of the employee housing.

Added Stats 1980 ch 45 § 2, effective March 20, 1980. Amended Stats 1992 ch 1298 § 19 (AB 3526).

§ 17031. Exemption from permit requirement; Findings; Revocation of exemption

(a)(1) The operator of employee housing on a dairy farm that meets the requirements of Section 32505 of the Food and Agricultural Code, consisting only of permanent single–family employee housing, may request an exemption from the requirement of obtaining an annual permit to operate. The employee housing camp operator shall notify each tenant of the permanent single–family employee housing in writing that such an exemption is being requested. The request for exemption shall be made in writing to the enforcement agency.

(2) An exemption shall be granted to permanent single–family employee housing unless the housing is in violation of the State Housing Law, building standards published in the California Building Standards Code relating to employee housing, or the other regulations adopted pursuant to the State Housing Law in a manner that materially affects the health and safety of the occupants, or in the case of a mobilehome or manufactured home, is in violation of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401, et seq.) or

regulations of the department pursuant to Section 18028 in a manner that materially affects the health and safety of the occupants, or has been found in violation of this chapter within the previous two years.

(b) Whenever the enforcement agency issues an exemption from the requirement of obtaining a permit to operate, it shall make written findings indicating the reasons for issuing the exemption. Exemptions shall be reviewed annually by the enforcement agency.

The findings of the enforcement agency shall include, but not be limited to, all of the following information:

(1) The year the dwellings in the employee housing were constructed.

(2) The number of years the employee housing has been operated with a valid permit to operate.

(3) The number and character of any complaints received during the time the employee housing has been operating either with or without a permit.

(4) Any violations cited in the last inspection of the employee housing.

(c) Failure to maintain any permanent housing in accordance with the State Housing Law, or, in the case of mobilehomes or manufactured homes, failure to maintain these mobilehomes or manufactured homes in accordance with the provisions of Part 2.1 (commencing with Section 18200) of Division 13, and the regulations adopted pursuant thereto, in a manner which materially affects the health and safety of the occupants, shall be considered cause for revocation of an exemption.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 385 § 3, ch 1152 § 49; Stats 1983 ch 101 § 118; Stats 1992 ch 1298 § 20 (AB 3526); Stats 2000 ch 471 § 3 (AB 2008).

§ 17031.3. Permit for employee community housing; Exemptions

(a) Every person operating or owning employee community housing shall obtain a permit to operate such housing as a labor camp pursuant to this part unless an exemption is granted by the enforcement agency pursuant to this section. A request for an exemption for each community shall be made in writing to the enforcement agency. The person requesting the exemption shall give written notice to each employee/tenant of the employee community housing that an exemption is being requested. The notice shall state the address and telephone number of the enforcement agency, and shall state that any employee/tenant may inform the enforcement agency of violations of health and safety standards within his or her dwelling unit.

(b) The enforcement agency, after a review of all relevant facts, shall grant an exemption to the owner or operator of the employee community housing unless it finds any of the following:

(1) The housing is in violation of provisions of the State Housing Law or the regulations adopted pursuant thereto in a manner which materially affects the health and safety of the residents of the housing.

(2) The housing, within the previous two years, has been found in violation of the provisions of this part or the regulations adopted pursuant thereto in a manner which materially affects the health and safety of the residents of the housing.

(3) The housing does not meet the requirements of employee community housing as defined by Section 17005.5.

(c) An exemption granted for employee community housing in one community shall not apply to employee community housing in other communities operated or owned by the same person.

(d) Employee community housing granted an exemption pursuant to this section, during the period of such exemption, shall be subject to the provisions of the State Housing Law. During this period, any notice of violation of such law and verification of corrective action shall be forwarded to the department. Not less than once every 10 years after an exemption is granted pursuant to this part, every person operating or owning employee community housing shall give written notice to each employee/tenant of the employee community housing which shall state the address and telephone number of the enforcement agency, and shall state that any employee/tenant may inform the enforcement agency of violations of health and safety standards within his or her dwelling unit.

(e) The exemption granted pursuant to this section shall be rescinded by the enforcement agency if the employee community housing is not operated or maintained in substantial compliance with Section 17005.5.

Added Stats 1979 ch 1031 § 3.

§ 17031.4. Exemption information from local enforcement agency

When the enforcement agency is a local agency, upon granting an exemption pursuant to Section 17031.3, the enforcement agency shall submit the following information to the department:

(a) The year the housing was constructed.

(b) The number of years, if any, the housing has been operated as employee housing with a valid permit to operate.

(c) The number and character of any complaints received during the time the housing has been operated as employee housing.

(d) Any violations of the provisions of this part and the State Housing Law which materially affect health and safety cited in the last inspection of the housing.

(e) That the employee community housing has been exempted pursuant to Section 17031.3, and conforms with the requirements of Section 17005.5.

Added Stats 1979 ch 1031 § 4. Amended Stats 1992 ch 1298 § 21 (AB 3526).

§ 17031.5. Prohibition against termination or modification of tenancy because of tenant's exercise of rights

(a) No person operating employee housing shall terminate or modify a tenancy by increasing rent, decreasing services, threatening to bring or bringing an action to evict, refusing to renew a tenancy, or in any other way intimidating, threatening, restraining, coercing, blacklisting, or discharging an employee or tenant because of the tenant's exercise of any of the following acts:

(1) Complaining in good faith, orally or in writing, to the operator, landlord, or employer about tenantability or about any right provided by this part.

(2) Exercising any legal right with respect to the housing provided by this part.

(3) Complaining in good faith, orally or in writing, to any applicable enforcement agency about tenantability or about any right provided by this part.

(4) Bringing an action to enforce any rights provided for by this part or Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(5) Bringing an action under Section 1942.5 of the Civil Code.

(b) The tenant shall have a defense of retaliation in any action for possession if the employer or landlord acted in violation of this section. If the employer or landlord acts to discharge an employee or tenant or to modify or terminate a tenancy within six months after the employee or tenant has exercised any of the acts enumerated in subdivision (a), there is a rebuttable presumption affecting the burden of proof that the employer's or landlord's action was retaliatory.

(c) No tenant shall have a defense of retaliation in an action for possession where tenantability is an issue of fact and the untenantable condition was caused by the deliberate or negligent act or omission of the tenant or a member of his or her family, or other persons on the premises with his or her consent.

Added Stats 1979 ch 385 § 4. Amended Stats 1985 ch 900 § 3. Stats 1991 ch 786 § 1 (AB 923); Stats 1992 ch 1298 § 22 (AB 3526).

§ 17031.6. Delaying trial in unlawful detainer action against tenant of employee housing; Payment of reasonable monthly rental value to court

(a) In any action brought pursuant to Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, in order to evict a tenant from employee housing, this section shall apply to that proceeding, notwithstanding any other provision of law including, but not limited to, Section 1170.5 of the Code of Civil Procedure.

(b) If, in an action subject to this section, a tenant alleges both of the following in an answer or other response to an unlawful detainer action, the trial on that action shall be set not earlier than 30 days from the date of filing the answer, and in no event prior to the completion of reasonable and diligently pursued discovery, as determined by the court, unless both parties stipulate to an earlier date:

(1) The tenant is not guilty of unlawful detainer because he or she has engaged in protected activity pursuant to Section 1942.5 of the Civil Code or Section 17031.5 of this code.

(2) The landlord's claim that the eviction is to allow the landlord to remove the subject rental unit from use as employee housing or from the market in order to rehabilitate or demolish it is a pretext to retaliate against the tenant.

(c) If, in an action subject to this section, a tenant alleged that he or she is not guilty of unlawful detainer because he or she has engaged in protected activity pursuant to Section 1942.5 of the Civil Code or Section 17031.5, and the landlord alleges or introduces evidence at trial that the purpose of the eviction is to allow the landlord to remove the subject rental unit from use as employee housing or from the market in order to rehabilitate or demolish it, the court shall immediately continue the trial for not less than 30 days, unless both parties stipulate to a waiver of this requirement.

(d)(1) If, pursuant to this section, a trial is delayed or continued, the court, may, upon a noticed motion for a payment order by the lessor, order the monthly payment of the reasonable monthly rental value to the court, if rent were otherwise due, as a condition of issuing the delay or continuance order.

(2) "Reasonable monthly rental value," as used in this subdivision, means the amount determined by the court after deducting from the contract rent any set offs, including, but not limited to, a reduction in the rent because the dwelling is partially or completely untenantable or rent abatements due to the tenant or lessee. In addition, in determining whether to order the payment of a reasonable monthly rental value to the court, or in ascertaining its amount, the court shall consider the probability of the tenant or lessee prevailing in the trial, the financial ability of the tenant or lessee to maintain this action, and any other factor relevant to the proposed payment order.

Added Stats 1985 ch 900 § 4. Amended Stats 1992 ch 1298 § 23 (AB 3526).

§ 17031.7. Retaliatory employment action prohibited

(a) No person operating employee community housing that has been granted an exemption pursuant to Section 17031.3, or who is in the process of applying for such exemption, shall take any retaliatory employment action against an employee/tenant because of the employee/tenant's exercise of any of the following acts:

(1) Exercising any legal right with respect to the housing.

(2) Complaining, orally or in writing, to the landlord or employer about tenantability of the housing.

(3) Complaining, orally or in writing, to any applicable agency about tenantability of the housing.

(4) Bringing an action to enforce any rights provided for by this part or Chapter 2 (commencing with Section 1940)

of Title 5 of Part 4 of Division 3 of the Civil Code.

(b) "Retaliatory employment action" includes discharge from employment, wage decrease, demotion, or any other action detrimental to the employee/tenant's employment status because of the employee/tenant's exercise of the enumerated acts.

(c) Any person subject to this section shall also be subject to the provisions of Section 1942.5 of the Civil Code.

Added Stats 1979 ch 1031 § 5.

§ 17031.8. Submission of information by agency assuming enforcement responsibility

(a) An agency that exercises the responsibility for the enforcement of this part pursuant to Section 17050 shall submit to the Department of Housing and Community Development, on forms provided by the department, the information specified in subdivision (c) by March 31 of each year regarding the previous calendar year.

(b) The Department of Housing and Community Development shall gather the information specified in subdivision (c) for all permittees for which it acts as the enforcement agency and include a summary of the information from the permittees and enforcement agencies in the annual report submitted pursuant to Section 50408 regarding housing programs administered by the department. This subdivision shall be inoperative from July 1, 2009, to June 30, 2012, inclusive.

(c) The following information shall be provided for purposes of subdivisions (a) and (b) for the reporting year:

(1) The number and location of employee housing accommodations, including the number of permits to operate issued for employee housing accommodations.

(2) The number and location of inactive employee housing accommodations.

(3) The number and location of employee housing accommodations found operating without a permit.

(4) The number of employees occupying employee housing accommodations with a permit.

(5) The number of employees occupying accommodations found to be operating without a permit.

(6) The number and types of inspections and reinspections performed.

(7) A schedule of fees charged, the amount of fees collected for each type of fee charged and the total amount of fees collected.

(8) The number of complaints received during the reporting year and the character of any violations found for each accommodation operating under permit, operating without a permit, or inactive.

(9) The number and character of violations of this part and regulations adopted pursuant to this part found during inspection of each accommodation operating under permit, or operating without a permit.

(10) The number of violations of this part and regulations adopted pursuant to this part that resulted in civil citations.

(11) The number of cases referred to prosecutorial agencies such as the Attorney General or local district attorneys, the number of cases filed to enforce this part, and the amounts of all fines and civil penalties collected as a result of the enforcement of this part.

(12) The number of staff hours dedicated to the implementation of the Employee Housing Act (Part 1 (commencing with Section 17000)).

(13) The number and location of employee housing receiving an exemption pursuant to Section 17031, 17031.3, 17031.4, or 17033.

(d) The information specified in subdivision (c) shall be maintained by the department and provided to members of the public who have requested it in writing.

Added Stats 2009 ch 341 § 2, effective January 1, 2010.

§ 17032. Application for permit

Application for a permit to operate shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

(a) The name and address and telephone numbers of the employee housing owner and operator.

(b) The location of the employee housing.

(c) Approximate number of occupants to be housed.

(d) A description of the facilities comprising the employee housing.

(e) Approximate dates of occupancy.

The operator shall obtain an amended permit to operate when there is any change in the foregoing information applicable to the employee housing.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 25 (AB 3526).

§ 17033. Application for permit by railroad corporation

Section 17032 shall not apply to employee housing owned or operated by railroad corporations. Application for a permit to operate employee housing owned or operated by a railroad corporation shall be made to the Department of Housing and Community Development within 30 days of initial occupancy and shall contain at least the following information:

(a) The name and address and telephone numbers of the employee housing owner and operator.
(b) The present location of the employee housing.
(c) The present approximate number of occupants to be housed.
(d) A description of the present facilities comprising the employee housing.
(e) Approximate dates of present occupancy. An amended permit shall not be required if there is any change in the foregoing information applicable to the railroad employee housing, provided, however, the railroad corporation shall make this information available to the department upon reasonable request.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 26 (AB 3526); Stats 1993 ch 589 § 94 (AB 2211).

§ 17034. Violations; Duty of enforcement agency

If any person who holds an annual permit to operate employee housing violates any of the provisions of this part, building standards published in the State Building Standards Code relating to employee housing, the other regulations adopted pursuant to the provisions of this part, or conditions of the permit, the enforcement agency shall proceed according to Section 17055 immediately upon discovery of such a violation.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 50; Stats 1992 ch 1298 § 27 (AB 3526).

§ 17035. Roster of employee housing

The department shall establish and maintain a roster of all employee housing having a valid permit to operate.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 28 (AB 3526).

§ 17036. Regulations; Schedule of fees

(a) Except as provided in Section 18930, the department shall adopt regulations that it determines are necessary for the administration and enforcement of this part. The regulations adopted, amended, or repealed shall prescribe reasonable requirements for issuance of permits and establish procedures for suspension of permits, including appeal procedures.
(b) The department shall establish a schedule of fees to pay for the cost of administration and enforcement of this part, that includes, but is not limited to, the following minimum permit fees.
(1) A two-hundred-dollar ($200) issuance fee for a permit to operate employee housing for each employee housing facility.
(2) A twenty-seven-dollar ($27) permit operation fee for each employee the operator intends to house where that housing is supplied by the operator, and at least twenty-seven dollars ($27) for each lot or site provided for parking or the placement of manufactured homes, mobilehomes, or recreational vehicles or other accommodations by employees.
(c) On or after January 1, 2010, the department may increase the fees established pursuant to subdivision (b), if necessary, to finance the costs of administration and enforcement of this part.
(d) The department may adopt additional regulations to facilitate the development of employee housing pursuant to Sections 17021.5 and 17021.6.

Added Stats 2009 ch 341 § 4, effective January 1, 2010.

§ 17037. Duty to comply with requirements and regulations; Additional fees

Every person, or the agent or officer thereof, constructing, operating, or maintaining employee housing shall comply with the requirements of this part, with building standards published in the State Building Standards Code relating to employee housing, and with the other regulations adopted pursuant to this part.
(a) Any person operating or maintaining employee housing without first having obtained a permit to operate from the enforcement agency shall pay double the fees prescribed for the permit to operate the employee housing.
(b) Any person found for a second or subsequent time within a five–year period to be operating or maintaining employee housing without first having obtained a permit to operate from the enforcement agency shall pay 10 times the fees prescribed for the permit to operate the employee housing. The two or more violations referenced in this paragraph may be with regard either to the same enforcement agency or to two or more different enforcement agencies.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 52; Stats 1983 ch 1210 § 1; Stats 1986 ch 1495 § 4; Stats 1991 ch 790 § 2 (AB 1816), ch 795 § 1 (AB 2164); Stats 1992 ch 1298 § 30 (AB 3526).

§ 17037.5. Certificate of Non–Operation

(a) Any person who ceases to operate or maintain employee housing that is subject to the permit requirement pursuant to this part shall be required to annually complete and submit a Certificate of Non–Operation to the enforcement agency. The Certificate of Non–Operation shall be submitted for two years following the discontinuation of the use of any area on the property as employee housing. The Certificate of Non–Operation shall attest under penalty of perjury that the employee housing has been destroyed, or is no longer owned or operated, or has not been and shall not be occupied by five or more employees during the calendar year.
(b) The Certificate of Non–Operation shall include the owner's name and address, the operator's name and address, the employee housing name and location, the maximum number of employees who have occupied or shall occupy

the employee housing during the calendar year, and any other information considered relevant by the enforcement agency. The Certificate of Non–Operation shall be completed and submitted to the enforcement agency no later than 30 calendar days after the enforcement agency provides the form to the owner or operator.

Added Stats 1991 ch 795 § 2 (AB 2164). Amended Stats 1992 ch 1298 § 31 (AB 3526); Stats 2004 ch 183 § 196 (AB 3082).

§ 17038. Appointment of person to maintain employment housing in compliance with requirements and regulations

At all employee housing, a responsible person shall be appointed by the operator to maintain the employee housing in compliance with the use, maintenance, and occupancy requirements of this part and the regulations adopted pursuant thereto. In addition, at all employee housing, an operating telephone number shall be posted conspicuously for the purposes of emergencies and complaints.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 32 (AB 3526).

§ 17039. Obligations of occupants

(a) Every occupant of employee housing shall properly use the facilities furnished and shall comply with the relevant maintenance and sanitation provisions of this part.

(b) The provisions of Chapter 6 (commencing with Section 17060) do not apply to this section.

Added Stats 1997 ch 49 § 1 (AB 359).

Chapter 4 RULES AND REGULATIONS

§ 17040. Adoption, amendment, repeal, and enforcement of rules and regulations

(a) Except as provided in Section 18930, the department shall adopt, amend, or repeal rules and regulations for the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.

(b) The appropriate enforcement agency shall enforce building standards published in the State Building Standards Code relating to employee housing and other regulations of the department promulgated pursuant to subdivision (a), including, but not limited to, processing violations in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code.

(c) The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this chapter.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 53; Stats 1983 ch 101 § 120; Stats 1992 ch 1298 § 33 (AB 3526).

§ 17041. Standards for rules and regulations; Fees

(a) Except as provided in Section 17011, the rules and regulations adopted, amended, or repealed from time to time pursuant to this part shall be consistent with accepted standards and practices reasonably applicable to permanent and temporary employee housing and the utilization of housing or camping facilities. In promulgating rules and regulations, the department shall consider, among other things, geographic, topographic, and climatic conditions. The department may establish a schedule of fees for the construction and operation of employee housing wherever the department is the enforcing agency.

(b) The department may provide for the waiver or reduction of fees during construction or substantial rehabilitation that is not the result of a notice by an enforcement agency where funding is received from a public entity. The department shall provide for a waiver of the fees for an operating permit during the first three years of operation after new construction or substantial rehabilitation of employee housing that is not the result of a notice by an enforcement agency.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1983 ch 101 § 121; Stats 1992 ch 1298 § 34 (AB 3526).

§ 17042. Adoption of building standards

Notwithstanding any other provision of this code or of law, and except as provided in the State Building Standards Law, Part 2.5 (commencing with Section 18900), on and after January 1, 1980, the department shall not adopt or publish a building standard as defined in Section 18909, unless the provisions of Sections 18930, 18933, 18938, 18940, 18943, 18944, and 18945 are expressly excepted in the statute under which the authority to adopt rules, regulations, or orders is delegated. Any building standard adopted in violation of this section shall have no force or effect. Any building standard adopted before January 1, 1980, or continued in effect, pursuant to this part and not expressly excepted by statute from the provisions of the State Building Standards Law, shall remain in effect only until January 1, 1985, or until adopted, amended, or superseded by provisions published in the State Building Standards Code, whichever occurs sooner.

Added Stats 1979 ch 1152 § 54. Amended Stats 1983 ch 101 § 122.

§ 17043. Notice of overcrowding; Opportunity to correct violation; Proceedings to correct condition

(a) Notwithstanding any other provision of law, if the condition rendering any of the accommodations in employee housing substandard is the overcrowding of the accommodations, the enforcement agency shall provide notice to the affected residents of the condition and shall give the residents of the accommodations a reasonable opportunity to correct the violation prior to the commencement of any action or proceeding pursuant to this part. If the enforcement agency determines to institute proceedings to correct the overcrowded condition, the residents may appear and be heard at a hearing convened as part of the proceedings. If the enforcement agency permits the owner or operator of the employee housing to appeal the initial notice of violation or order to abate, the residents shall also be permitted to appeal the initial notice of violation or order to abate.

(b) On appeal, if the enforcement agency determines that the only means of abatement is the vacation of the accommodations, the enforcement agency shall consider the availability of alternative housing for the residents, and shall, if alternative housing is not available, grant the residents a reasonable period of time, as determined by the enforcement agency, to find alternative housing.

Added Stats 1986 ch 1002 § 3, effective September 22, 1986, ch 1495 § 5. Amended Stats 1992 ch 1298 § 35 (AB 3526).

Chapter 5 ENFORCEMENT

§ 17050. Enforcement of rules and regulations; Entry and inspection

(a) Except as provided in Section 18930, the Department of Housing and Community Development may promulgate rules and regulations to interpret and make specific this part. When adopted, those rules and regulations shall apply to all parts of the state.

(b) Upon written notice to the Department of Housing and Community Development, any city, county, or city and county may assume the responsibility for the enforcement of this part, for the building standards published in the California Building Standards Code relating to employee housing, and for the other regulations adopted pursuant to this part following approval by the department for that assumption.

(c) The Department of Housing and Community Development shall adopt regulations which shall set forth the conditions for assumption and may include required qualifications of local enforcement agencies. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of active and inactive employee housing within its jurisdiction.

(d) A city, county, or city and county may, by ordinance, establish a schedule of fees for the operation of employee housing not to exceed that which is established by the department. In no event may fees be charged to residents of employee housing.

(e)(1) In the event of nonenforcement of this part, of the building standards published in the California Building Standards Code relating to employee housing, or of the other rules and regulations adopted pursuant to this part, the department shall enforce this part, the building standards published in the California Building Standards Code relating to employee housing, and the rules and regulations adopted pursuant to this part in any city, county, or city and county after the department has given written notice to the governing body of the city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and has failed to initiate corrective measures to carry out its responsibility within 30 days of the date of the notice.

(2) On or after January 1, 1987, in the event the local enforcement agency has failed to initiate adequate and reasonable corrective measures to carry out its responsibility, as determined by the department, within 30 days of the date of notice of one or more specific examples of nonenforcement, the department, at its option, may undertake investigation and enforcement of the alleged violations of this part within the local enforcement agency's jurisdiction, and the local enforcement agency shall be liable to the department and the Attorney General for the actual costs of the investigation and enforcement by these state agencies.

(f)(1) The department shall conduct an annual evaluation of the enforcement of this part, of the building standards published in the California Building Standards Code relating to employee housing, and of the other regulations adopted pursuant to this part by each city, county, or city and county which has assumed responsibility for enforcement. The department shall submit a written summary of the evaluation conducted pursuant to this subdivision with the report required by Section 50408.

(2) The department, in consultation with interested persons, including housing advocates and farming organizations, shall conduct an evaluation of the definition of "rural" as used in paragraph (1) of subdivision (b) of Section 17008 and submit a written summary of the evaluation with the report required in calendar year 1996 by Section 17031.8.

(g) Except as provided in Section 18945, the department shall be sole judge as to whether the local enforcement agency is properly enforcing the provisions. Except as provided in Section 18945, the local enforcement agency shall have the right to appeal the decision to the department.

(h)(1) Any city, county, or city and county may cancel its assumption of responsibility for the enforcement of these provisions by providing written notice of cancellation to the department. The department shall assume the responsibility within 90 days after receipt of the notice.

(2) A local enforcement agency that has been approved by the department to enforce the provisions of this chapter and cancels its assumption of responsibility and returns enforcement to the department under paragraph (1) shall remit to the department the fees established and collected under Section 17036 and subdivision (d) that have not

been expended pursuant to this chapter and the regulations adopted thereunder. For the purpose of this paragraph, the local enforcement agency shall either identify the actual expenditures and pay to the department the balance of fees collected, or shall pay the department a sum equal to the percentage of the years remaining before outstanding permits to operate expire.

(i) The enforcement agency may:

(1) Enter public or private properties to determine whether there exists any employee housing to which this part applies.

(2) Enter and inspect all employee housing wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(3) Enter and inspect the land adjacent to the employee housing to determine whether the sanitary and other requirements of this part, the building standards published in the California Building Standards Code relating to employee housing, and the other rules and regulations adopted pursuant to this part have been or are being complied with.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 55; Stats 1983 ch 101 § 123; Stats 1986 ch 1495 § 5.5; Stats 1991 ch 790 § 3 (AB 1816); Stats 1992 ch 1298 § 36 (AB 3526); Stats 1995 ch 561 § 2 (SB 851); Stats 2008 ch 138 § 1 (AB 2554), effective January 1, 2009.

§ 17051. Authority to serve process and notice

For the purpose of securing compliance with this part, the officers and agents of the enforcement agency may serve any process or notice throughout its jurisdiction.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17052. Annual entry and inspection; Reinspection

The enforcement agency shall annually enter and inspect, and reinspect as necessary, all employee housing accommodations for compliance with the provisions of this part and regulations adopted pursuant to this part, except:

(a) Accommodations for employee housing consisting only of permanent single family housing that have been granted an exemption as provided in Section 17031.

(b) Accommodations for employee housing that have been issued a multiyear permit to operate pursuant to Section 17030.5.

(c) Accommodations for employee housing that are inactive.

(d) Accommodations for employee housing inspected in the prior calendar year with no violations identified or complaints received by the enforcement agency, which shall be inspected at least biennially.

The enforcement agency shall make every effort to complete the inspection prior to the occupancy of the employee housing.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 385 § 5, ch 1152 § 56; Stats 1980 ch 45 § 3, effective March 20, 1980; Stats 1992 ch 1298 § 37 (AB 3526); Stats 1995 ch 561 § 3 (SB 851).

§ 17053. Maintenance of files regarding employee housing maintenance and operation

The department shall maintain a file of all reports of complaint or other significant information regarding employee housing maintenance and operation. Each file and information shall be available to local enforcement agencies, district attorneys, and the Attorney General. This material shall be a matter of public record.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1992 ch 1298 § 38 (AB 3526).

§ 17054. Investigations and prosecutions by Attorney General

The Attorney General, upon the request of the Director of Housing and Community Development, shall conduct such investigations as may be necessary to determine whether any violation of any provision of this part has occurred. For such purpose, the Attorney General shall have the powers specified in Section 17050.

The Attorney General shall conduct such prosecutions of violations of this part as the director may request.

Added Stats 1979 ch 62 § 1, effective May 14, 1979.

§ 17055. Administrative complaints and civil actions

(a) Any person residing in employee housing subject to this part may file an administrative complaint orally or in writing with the enforcement agency. The enforcement agency shall deliver a summary or copy of the complaint, by mail or in person, to the owner or operator, at the time of filing the complaint.

(b) If a civil action under this part has not been filed by the enforcement agency within 21 days after receipt of the complaint, the complainant may bring a civil action for injunctive or declaratory relief and appropriate statutory damages, civil penalties, actual damages, penalties, and other remedies which arise from any violation of this part, building standards published in the State Building Standards Code relating to employee housing, regulations adopted pursuant to this part, or conditions of the permit.

(c) In any civil action under this section, if the enforcement agency certifies that the employee housing is in

compliance with this part, building standards published in the State Building Standards Code relating to employee housing, regulations adopted pursuant to this part, and conditions of the permit, no injunctive relief related to mandatory repairs shall be granted with respect to any alleged violation covered by the certificate.

(d) In any civil action brought by a private person or entity under this section, the private person or entity may be granted reasonable attorney's fees and costs, in addition to any other remedy granted, if the private person or entity prevails, and if the trier of fact finds that the violations involve retaliation or are so extensive and of such a nature that the immediate health and safety of residents or the public is endangered or has been endangered.

(e) If a complainant alleges, and the court finds, that residents of the employee housing were in imminent peril as a result of serious violations of this part, the complainant may immediately proceed with the filing of a civil action without regard to the 21–day waiting period specified in subdivision (b).

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 57; Stats 1992 ch 1298 § 39 (AB 3526); Stats 2000 ch 702 § 2 (SB 1545).

§ 17056. Departmental procedures to locate and prosecute violators

(a) In every part of the state, notwithstanding assumption of responsibilities by local enforcement agencies pursuant to Section 17050, the department shall establish procedures and devote resources to locating and prosecuting the most serious violators of this part and those who refuse to apply for or obtain permits to operate pursuant to this part, as determined by the department.

(b) The department shall maximize the efforts of personnel implementing this part by seeking to use new resources and nontraditional means, by coordinating with state, local, and federal agencies and by training and coordinating with local health and building departments.

(c) All of the requirements of this part shall be performed by civil service employees of the department who, to the extent feasible, shall be bilingual in Spanish and English.

Added Stats 1986 ch 1495 § 6. Amended Stats 1991 ch 790 § 4 (AB 1816); Stats 1992 ch 1296 § 14 (SB 986), effective September 30, 1992, ch 1298 § 40 (AB 3526); Stats 1993 ch 952 § 4 (AB 2011); Stats 1995 ch 561 § 4 (SB 851).

Chapter 6 VIOLATIONS

§ 17060. Nonconforming employee housing as public nuisance; Abatement; Court proceedings

(a) Any employee housing which does not conform to this part, building standards published in the State Building Standards Code relating to employee housing, the other regulations adopted pursuant to this part, or conditions of the permit, is a public nuisance and, if not made to conform within five days or within a longer period of time, not to exceed 30 days, which may be allowed by the enforcement agency after written notice, shall be abated by proper action brought in the superior court of the county in which the employee housing or greater portion thereof is situated. Where inspection verifies that the owner or operator of employee housing is proceeding with reasonable diligence, or where conditions beyond the control of the owner or operator prevent conformance, the enforcement agency may grant time extensions not to exceed 30 days in duration. No more than two of these extensions shall be allowed by the enforcement agency prior to initiation of action to abate the public nuisance.

(b) Any violation of this part, building standards published in the State Building Standards Code relating to employee housing, the other regulations adopted pursuant to this part, or the provisions of the permit which constitute an immediate or material hazard to the health or safety of the occupants of employee housing, shall be remedied within five days after written notice by the enforcement agency, or shorter time in case of emergency. In the event of failure to comply with this section, the Attorney General, or the attorney for the enforcement agency, shall, by verified complaint setting forth the facts, apply to the superior court for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

(c) The superior court may make any order for which application is made pursuant to this section.

(d) In any action or proceeding brought pursuant to this part, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure.

(e)(1) Any enforcement agency which institutes an action or proceeding pursuant to this section shall, at the time of filing the action or proceeding, record in the office of the recorder of the county or counties in which the property affected by the action or proceeding is situated, a notice of the pendency of the action or proceeding.

(2) The enforcement agency may charge the property owner for any costs involved in recording the notice and shall reimburse the owner for any amount charged if the action or proceeding is dismissed or if judgment is rendered for the property owner.

(f) The notice recorded pursuant to subdivision (e) shall be withdrawn by the enforcement agency by recording in the office of the county recorder, in the county or counties in which the notice was recorded, a notice of withdrawal within five days following satisfaction of a court order or other resolution of the action or proceeding.

(g) In any action or proceeding brought pursuant to this part, it is not necessary for the complainant to provide or file any undertaking or bond for the issuance of any preliminary or permanent injunction. In addition, it is not necessary for a complainant to allege or prove actual damages or the threat thereof, or actual injury or the threat thereof, to the plaintiff, so long as a violation of this part is alleged and proven.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1979 ch 1152 § 58; Stats 1983 ch 1210 § 2; Stats 1992 ch 1298 § 41 (AB 3526); Stats 1993 ch 589 § 95 (AB 2211).

§ 17060.2. Providing residents with order or notice of violation; Vacating of accommodation; Deferral of order of abatement

(a) Notwithstanding any other provision of law, the operator of employee housing shall provide a resident of every unit in the employee housing with a written copy in English and Spanish of every order or notice of violation issued by an enforcement agency accompanied by an explanation of the owner's or operator's anticipated response to the order or notice. Each notice shall also advise the occupants of the right to a hardship deferral and the procedure for obtaining this, as set forth in subdivision (c). These copies may be provided by first–class mail or by posting a copy of the notice in a prominent place on each residential unit.

(b)(1)(A) The enforcement agency shall not require the vacating of all or any part of an accommodation unless it concurrently orders the operator to provide for the relocation of the tenants consistent with the requirements of Section 17062 prior to the date the vacating is required and requires expeditious demolition or repair to comply with this part, the building standards related to employee housing, or other rules and regulations adopted pursuant to this part. Any local government may, prior to January 1, 1994, enact a local relocation ordinance that imposes requirements more stringent than those contained in this section. The tenant or tenant association may enforce the relocation remedies of this section, and the enforcement agency, to the extent feasible, shall cooperate in these efforts. The enforcement agency may require vacation and demolition or itself vacate the building, repair or demolish the building, or institute any other appropriate action or proceeding, if either of the following occurs:

(i) The repair work is not done as scheduled or cannot be completed within a reasonable period of time.

(ii) There is a significant threat to the residents' or public health and safety.

(B) In any civil action brought by a private person or entity to obtain relocation assistance pursuant to subparagraph (A), following an enforcement agency's order to vacate all or any part of an accommodation, and the failure to comply with the agency's order to provide for the relocation of the tenants, the private person or entity, if he, she, or it is the prevailing party, may be granted reasonable attorney's fees and costs, in addition to any other remedy granted.

(2) Prior to vacating and demolishing the accommodation, the public agency shall exert every reasonable effort to obtain or cause repairs. In addition, to the extent feasible, if the public entity causes vacation of the accommodation, it shall cooperate in efforts to obtain compensation from the owner or operator to compensate the displaced residents for their relocation expenses, including rent differentials.

(c) The enforcement agency or a court of competent jurisdiction may, in cases of extreme hardship to tenants of employee housing, provide for deferral of the effective date of orders of abatement. Any deferral of the effective date of any order of abatement shall include conditions, including, but not limited to, payment of rent to an appropriate receiver, which will ensure progress towards correcting defects, or assist in relocation of tenants prior to closure of the employee housing.

Added Stats 1986 ch 1495 § 7. Amended Stats 1992 ch 1298 § 42 (AB 3526); Stats 1993 ch 952 § 5 (AB 2011); Stats 1994 ch 1250 § 1 (AB 2571); Stats 1995 ch 91 § 63 (SB 975).

§ 17060.5. Effect of sale or other transfer of property; Duty of new owner to correct violation

(a) The sale or other transfer of property to a third party shall not render moot an action or proceeding brought pursuant to this chapter and instituted by an enforcement agency against the owner of record on the date a citation for a violation of this part was issued.

(b) Any person who obtains an ownership interest in any property after a notice of an action or proceeding has been recorded with respect to the property pursuant to Section 17060, and where there has been no withdrawal of the notice, shall be subject to any order to correct a violation, including any time limitations, specified in a citation issued pursuant to Section 17060.

Added Stats 1983 ch 1210 § 3.

§ 17061. Violation as misdemeanor; Punishment; Willful violations

(a) Any person who violates, or causes another person to violate, any provision of this part is guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars ($2,000), or imprisonment for not more than 180 days, or both, for each violation of this part, provided that the violation does not cause personal injury to any person.

(b) Any person who willfully violates, or causes another person to violate, any provision of this part, provided that the violation causes personal injury to any person, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years, or in a county jail not exceeding one year, or by a fine of not less than four thousand dollars ($4,000), but not exceeding ten thousand dollars ($10,000), or by both that fine and imprisonment for each violation, or each day of a continuing violation, causing personal injury. This subdivision shall not be construed to preclude, or in any way limit, the applicability of any other law in any criminal prosecution.

(c) Any person who violates any provision of this part shall be liable for a civil penalty of not less than three hundred dollars ($300), nor more than one thousand dollars ($1,000), for each violation or for each day of a continuing violation. The amount of the civil penalty may be doubled, to a limit of not more than ten thousand dollars ($10,000), for each violation or for each day of a continuing violation if the court determines that the violation was willful, or if the court

finds that the person received notice from an enforcement agency within the prior three years regarding any employee housing owned or operated by that person, and the violations are so extensive and of such a nature that the immediate health and safety of the residents or the public is endangered or has been endangered. The enforcement agency, or any person or entity affected by the violation, may institute or maintain an action in the appropriate court to collect any civil penalty arising under this subdivision and may be awarded reasonable costs and attorney's fees incurred in proving the existence of each violation and the liability for the civil penalties.

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Amended Stats 1991 ch 790 § 5 (AB 1816); Stats 1992 ch 1298 § 43 (AB 3526); Stats 2011 ch 15 § 185 (AB 109), effective April 4, 2011, operative October 1, 2011.

§ 17061.5. Multiple convictions or contempts; Punishment; Civil penalty

(a) Any person who is convicted pursuant to Section 17061 for a second or subsequent time within a five–year period or is convicted pursuant to subdivision (d) for a first or subsequent time within a five–year period after issuance of an injunction enforcing this chapter shall be punishable by a fine not to exceed six thousand dollars ($6,000) or by imprisonment not exceeding six months, or both the fine and imprisonment for each violation or day of a continuing violation.

(b) Any person found in contempt of a court order or injunction pursuant to Section 17060 within a five–year period from its issuance may be subject to a judgment for reasonable enforcement costs, including investigative costs, court costs, and attorney's fees, and civil penalties not to exceed six thousand dollars ($6,000) or by imprisonment not exceeding six months, or both the civil penalty and imprisonment, for each violation or day of a continuing violation.

(c)(1) If an injunction enforcing this chapter is issued within a five–year period after a conviction pursuant to subdivision (a), a finding of contempt pursuant to subdivision (b), or a prior injunction enforcing this chapter, the injunction shall provide for a civil penalty not to exceed six thousand dollars ($6,000) for each violation or day of a continuing violation and all costs of enforcement, including, but not limited to, investigative costs, inspection costs, enforcement costs, attorney's fees or costs, and all other costs of prosecution.

(2) The court may also order the owner not to claim any deduction with respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred, with respect to the cited structure or structures, and related real property, in the taxable year of the initial order or notice. Within 90 days after issuing the order, the court shall mail to the Franchise Tax Board a written notice of its order prohibiting the owner from claiming deductions with respect to the cited structure or structures, and related real property, in lieu of the processing of a violation by the enforcement agency in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code.

(3) The Franchise Tax Board shall examine the tax return of the owner of the cited structure or structures, and related real property, for the taxable year of the initial order or notice issued pursuant to paragraph (2). Notwithstanding Sections 19282 and 26451 of the Revenue and Taxation Code, the Franchise Tax Board shall notify the issuing court regarding the owner's compliance with the court order prohibiting the claiming of deductions with respect to the cited structure or structures, and related real property.

(d) Any person found in contempt of a court order or injunction pursuant to Section 17060, or who is convicted pursuant to Section 17061, for a second or subsequent time within a five–year period after a prior finding of contempt, a prior conviction, or the prior issuance of an injunction relating to the enforcement of this chapter, where there are violations that are determined by the trier of fact to be so extensive and of such a nature that the immediate health and safety of residents or the public is endangered and where the extent and nature of the violations are due to the defendant's habitual neglect of customary maintenance and display a flagrant lack of concern for the health and safety of residents or the public, may be subject to a judgment for reasonable enforcement costs, including investigative costs, court costs, and attorney's fees, and punishable by a fine not exceeding six thousand dollars ($6,000) and by imprisonment for not less than six months, but not exceeding one year, for each violation or day of a continuing violation, if the trier of fact finds at least three serious violations of the following categories of violations are involved:

(1) Termination, extended interruption, or serious defects of gas, water, or electric utility systems, if the interruption or termination is not caused by the tenant's failure to pay gas, water, or electric bills.

(2) Serious defects or lack of adequate space and water heating.

(3) Serious rodent, vermin, or insect infestation.

(4) Severe deterioration, rendering significant portions of the structure unsafe or unsanitary.

(5) Inadequate numbers of garbage receptacles or service.

(6) Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal.

(e) The remedies provided in subdivisions (a) to (d), inclusive, for second or subsequent violations shall apply without regard to whether the violations involved the same or different properties, or the same or different locations within a property, owned or operated by the person committing the violation.

Added Stats 1983 ch 1210 § 4. Amended Stats 1986 ch 1495 § 8; Stats 1991 ch 790 § 6 (AB 1816); 1992 ch 1298 § 44 (AB 3526).

§ 17061.7. Placement in house confinement in employee housing

(a) Any person found in contempt of a court order or injunction pursuant to Section 17060, or who is convicted pursuant to Section 17061, for a second or subsequent time within a five–year period after a prior finding of contempt, after a prior conviction, or after the prior issuance of an injunction relating to the enforcement of this chapter, may, in

lieu of any penalties ordered pursuant to Section 17061.5 or any other provision of law, be ordered by the court, on its own motion or pursuant to a trial by jury on that issue if that is requested by the defendant, to be placed in house confinement in the employee housing or any accommodation within the employee housing that is the subject of the court action. The house confinement ordered pursuant to this section shall be for a period not to exceed one year.

(b) A defendant ordered to house confinement pursuant to this section may also be ordered by the court to pay the cost of having a police officer or guard stand guard outside the area in which the defendant has been confined under house confinement if it has been determined by the court that the defendant is able to pay these costs. No defendant shall be ordered, pursuant to this subdivision, to pay an amount exceeding two thousand dollars ($2,000) for any period of house confinement.

Added Stats 1991 ch 786 § 2 (AB 923). Amended Stats 1992 ch 1298 § 45 (AB 3526).

§ 17061.9. Issuance of citation; Civil penalties; Right to petition; Hearing

(a) In addition to other remedies provided in this part, the Director of the Department of Housing and Community Development or his or her designee or an employee authorized by a local enforcement agency which has assumed jurisdiction pursuant to Section 17050, may issue a citation which assesses a civil penalty to any owner or operator, or both, of employee housing violating this part, or regulations promulgated hereunder, if the owner or operator, or both, has permitted the continuation of a violation for at least 30 days after issuance of an order to correct the violation or violations from the enforcement agency. Each citation and related civil penalty assessment shall be issued no later than seven months after issuance of the order to correct which is the basis of the citation. The civil penalties provided for in this section are not in addition to the penalties established in subdivision (b) of Section 17037.

(b) The amount of any civil penalty assessed pursuant to subdivision (a) shall not exceed three hundred dollars ($300) for each violation. The civil penalties assessed pursuant to this section shall be payable to the enforcement agency, notwithstanding any other provision of law. Whether or not the violation or violations, if applicable, giving cause for the citation are corrected, payment of the civil penalty shall be remitted to the enforcement agency within 45 days of the issuance of the citation.

(c) The amount of the civil penalty shall be increased to an amount not to exceed five hundred dollars ($500) for a violation if all the following circumstances exist:

(1) The citation is for a second or subsequent violation of this part, or the regulations promulgated hereunder, for which an order to correct was issued within one year prior to issuance of the new citation; and

(2) The original violation has continued to exist for at least six months from the date the order to correct the violation was issued or has recurred within six months from the date the order to correct the violation was issued.

(d) Any person or entity served a citation pursuant to this section may petition the director or his or her designee or the officially authorized representative of the local enforcement agency, where applicable. The petition shall be a written request briefly stating the grounds of the request. Any petition to be considered, shall be received by the department or the local enforcement agency within 30 days of the date of issuance of the citation.

(e) Upon receipt of a timely and complying petition, the enforcement agency shall suspend enforcement of the citation and set a time and place for the informal hearing and shall give the recipient of the citation written notice thereof. The hearing shall commence no later than 30 days following receipt of the petition or at another time scheduled by the enforcement agency pursuant to a request by the petitioner or the enforcement agency if the enforcement agency determines that good and sufficient cause exists. If the petitioner fails to appear at the time and place scheduled for the hearing, the enforcement agency may notify the petitioner in writing that the petition is dismissed and that compliance with the terms of the citation shall occur within 10 days after receipt of the notification.

(f) The enforcement agency shall notify the petitioner in writing of its decision and the reasons therefor within 30 days following conclusion of the informal hearing held pursuant to this section. If the decision upholds the citation, in whole or in part, the petitioner shall comply with the citation in accordance with the decision within 30 days after the decision is mailed by the enforcement agency.

Added Stats 1991 ch 795 § 3 (AB 2164). Amended Stats 1992 ch 1298 § 46 (AB 3526).

§ 17062. Reimbursement of costs; Order to correct defects; Receivership; Finding that housing endangers health and safety

(a) Any state or local agency which participated in the investigation and enforcement pursuant to this part shall be reimbursed for its investigative and legal costs prior to and subsequent to the judgment.

(b) Notwithstanding any other provision of law, upon motion by the enforcement agency, the operator, or the tenants, the court may issue an order which would result in correction of defects, rather than closure of the employee housing. The order may provide, notwithstanding subdivision (a), that fines and penalties be paid for improvements, or that a lien be levied against the property to pay the costs of an independent receiver to complete repairs, or any other just and reasonable procedures.

(c)(1)(A) If employee housing is maintained in a manner that violates any provision of this part, including any rule, standard, or regulation promulgated pursuant to this part, and the violation is so extensive and of such a nature that the health and safety of residents or the public is substantially endangered, and if the owner or operator does not, within a reasonable time after issuance of the notice or order by the enforcement agency, correct the condition that is the cause of the violation, the enforcement agency, tenant, or tenant association or organization may, in addition to any

other remedies provided by law, seek the appointment of a receiver pursuant to this subdivision.

(B) In its petition to the court, the enforcement agency, tenant, or tenant association or organization shall include proof that notice of the petition was served not less than five days prior to filing the petition, pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure, to all persons with a recorded interest in the real property upon which the substandard employee housing exists.

(C) In appointing a receiver, the court shall consider whether the owner has been afforded a reasonable opportunity to correct the conditions cited in the notice of violation. The court shall not appoint any person as a receiver unless the person has demonstrated to the court his or her capacity, willingness, and expertise to develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the employee housing. If a receiver is appointed, the owner and his or her agent of the substandard employee housing shall be enjoined from collecting rents from the tenants, interfering with the receiver in the operation of the substandard employee housing, and encumbering or transferring the substandard employee housing or real property upon which the employee housing is situated.

(2) Any receiver appointed pursuant to this section shall have all of the following powers and duties in the order of priority listed in this paragraph, unless the court otherwise permits:

(A) To take full and complete control of the substandard employee housing.

(B) To manage the substandard employee housing and pay expenses of the operation of the substandard employee housing and real property upon which the employee housing is located, including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the real property. However, the receiver shall not operate the employee housing for a longer period each year than the period it previously was operated as employee housing each year by the operator or owner.

(C) To secure a cost estimate and construction plan from a licensed contractor for the repairs necessary to correct the conditions cited in the notice of violation.

(D) To enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the notice of violation.

(E) To collect all rents and income from the substandard employee housing.

(F) To use all rents and income from the substandard employee housing to pay for the cost of rehabilitation and repairs determined by the court as necessary to correct the conditions cited in the notice of violation.

(G) To borrow funds to pay for repairs necessary to correct the conditions cited in the notice of violation and to borrow funds to pay for any relocation benefits authorized by paragraph (4) and secure that debt, with court approval, with a lien on the real property upon which the substandard employee housing is located. The lien shall be recorded in the county recorder's office in the county within which the employee housing is located.

(H) To exercise the powers granted receivers under Section 568 of the Code of Civil Procedure.

(3) The receiver shall be entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages.

(4) If the conditions of the employee housing or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the substandard employee housing by any tenant, to the extent that the tenant cannot safely reside in his or her unit, then the receiver shall provide relocation benefits in accordance with paragraph (3) of subdivision (d).

(5) The relocation compensation provided for in this section shall not preempt any local ordinance that provides for greater relocation assistance.

(6) In addition to any reporting required by the court, the receiver shall prepare monthly reports to the state or local enforcement agency which shall contain information on at least the following items:

(A) The total amount of rent payment received.

(B) Nature and amount of contracts negotiated relative to the operation or repair of the property.

(C) Payments made toward the repair of the premises.

(D) Progress of necessary repairs.

(E) Other payments made relative to the operation of the employee housing.

(F) Amount of tenant relocation benefits paid.

(7) The receiver shall be discharged when the conditions cited in the notice of violation have been remedied in accordance with the court order or judgment and a complete accounting of all costs and repairs has been delivered to the court. Upon removal of the condition, the owner, the mortgagee, or any lienor of record may apply for the discharge of all moneys not used by the receiver for removal of the condition and all other costs authorized by this section.

(8) The prevailing party in an action pursuant to this section shall at the court's equitable discretion be entitled to reasonable attorney's fees and court costs as may be fixed by the court.

(9) The county recorder may charge and collect fees for the recording of all notices and other documents required by this section pursuant to Article 5 (commencing with Section 27360) of Chapter 6 of Division 2 of Title 3 of the Government Code.

(10) Nothing in this section shall be construed to limit those rights available to tenants and owners under any other provision of the law.

(11) Nothing in this section shall be construed to deprive an owner of substandard employee housing of all procedural due process rights guaranteed by the California Constitution and the United States Constitution, including, but not limited to, receipt of notice of the violation claimed and an adequate and reasonable period of time to comply with any orders that are issued by the enforcement agency or the court.

(d) If the court finds that the employee housing is in a condition that substantially endangers the health and safety

of residents pursuant to subdivision (a) of Section 17980.6, upon the entry of any order or judgment, the court shall do all of the following:

(1) Order the owner to pay all reasonable and actual costs of the enforcement agency including, but not limited to, inspection costs, investigation costs, enforcement costs, attorney's fees or costs, and all costs of prosecution.

(2) Order that the local enforcement agency shall provide the tenants with notice of the court order or judgment.

(3) Order that, if the owner undertakes repairs or rehabilitation as a result of being cited for a notice under this chapter, and if the conditions of the premises or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the premises by any lawful tenant, so that the tenant cannot safely reside in the premises, then the owner shall provide or pay relocation benefits to each lawful tenant as specified in subdivision (b) of Section 17060.2. These benefits shall consist of actual reasonable moving and storage costs and relocation compensation. The actual moving and storage costs shall consist of all the following:

(A) Transportation of the tenant's personal property to the new location. The new location shall be in close proximity to the substandard premises, except where relocation to a new location beyond a close proximity is determined by the court to be justified.

(B) Packing, crating, unpacking, and uncrating the tenant's personal property.

(C) Insurance of the tenant's property while in transit.

(D) The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, his or her agent, or his or her employee) in the process of moving, where insurance covering the loss, theft, or damage is not reasonably available.

(E) The cost of disconnecting, dismantling, removing, reassembling, reconnecting, and reinstalling machinery, equipment, or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.

(e)(1) The relocation compensation shall be an amount equal to the differential between the contract rent and the fair market rental value determined by the United States Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired, not to exceed 120 days or the duration that the camp is open, or the term of employment, whichever is less.

(2)(A) If the court finds that a tenant has been substantially responsible for causing or substantially contributing to the substandard conditions, then the relocation benefits of this section shall not be paid to this tenant. Each other tenant on the premises who has been ordered to relocate due to the substandard conditions and who is not substantially responsible for causing or contributing to the conditions shall be paid these benefits and moving costs at the time that he or she actually relocates.

(B) The court shall determine the date when the tenant is to relocate, and order the tenant to notify the enforcement agency and the owner of the address of the premises to which he or she has relocated, within five days after the relocation.

(C)(i) The court shall order that the owner shall offer the first right to occupancy of the premises to each tenant who received benefits pursuant to paragraph (3) of subdivision (d), before letting the unit for rent to a third party. The owner's offer on the first right to occupancy to the tenant shall be in writing, and sent by first–class certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the tenant's address by the tenant as prescribed by this section, the owner shall not be required to provide notice under this section or offer the tenant the right to return to occupancy.

(ii) The tenant shall notify the owner in writing that he or she will occupy the unit. The notice shall be sent by first–class certified mail no later than 10 days after the notice has been mailed by the owner.

(D) The court shall order that failure to comply with any abatement order under this chapter shall be punishable by civil contempt penalties under Chapter 6 (commencing with Section 17995) of Part 1.5, and any other penalties and fines as are available.

(f) The initiation of a proceeding or entry of a judgment pursuant to this section or Section 17980.6 shall be deemed to be a "proceeding" or "judgment" as provided by paragraph (4) or (5) of subdivision (a) of Section 1942.5 of the Civil Code.

(g) The term "owner," for the purposes of this section, shall include the owner, including any public entity that owns residential real property, at the time of the initial notice or order and any successor in interest who had actual or constructive knowledge of the notice, order, or prosecution.

(h) The remedies authorized by this section shall be in addition to those provided by any other law.

(i) Nothing in this section or in Section 17980.6 shall impair the rights of an owner exercising his or her rights established pursuant to Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code.

Added Stats 1983 ch 1210 § 5. Amended Stats 1986 ch 1495 § 9; Stats 1992 ch 1298 § 47 (AB 3526); Stats 1993 ch 952 § 6 (AB 2011).

§ 17062.5. Fines, civil penalties, and damages

All fines, civil penalties, and damages awarded pursuant to this part shall be paid as provided in this section. The court order shall direct payment of these moneys for the costs authorized by subdivision (a) of Section 17062 or subdivision (d) of Section 17055. Thereafter, 50 percent of the balance of the total award shall be paid to the agency, person, or entity to which subdivision (a) of Section 17062 or subdivision (d) of Section 17055 is applicable.

The balance of the award, if at least one thousand dollars ($1,000) is paid to that agency, person, or entity, shall be deposited in the Farmworker Housing Grant Fund, created pursuant to Section 50517.5, for expenditure by the department without further appropriation in a manner consistent with the other requirements of Section 50517.5, for any of the following purposes:

(a) Rental housing that serves lower and very low income households, as defined in Sections 50079.5 and 50105, respectively, who are agricultural employees.

(b) Rental dormitories for unaccompanied men or women who are agricultural employees.

(c) Rehabilitation or replacement of existing employee housing for seasonal use.

Added Stats 1993 ch 952 § 7 (AB 2011).

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Title 25. Housing and Community Development

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STATE HOUSING LAW–REGULATIONS AND EARTHQUAKE PROTECTION LAW–REGULATIONS: EMPLOYEE HOUSING

Title 25. HOUSING AND COMMUNITY DEVELOPMENT

Division 1. HOUSING AND COMMUNITY DEVELOPMENT

Chapter 1. STATE HOUSING LAW REGULATIONS AND EARTHQUAKE PROTECTION LAW REGULATIONS

Subchapter 3. EMPLOYEE HOUSING

Article 1. Application and Scope

§ 600. Application and Scope

(a) Application and scope of this subchapter is governed by Sections 17020, 17021, 17023 and 17024 of the Health and Safety Code.

(b) The provisions of this subchapter do not apply to backstretch housing or living quarters provided at race tracks for persons engaged in the training or care of race horses.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17020, 17021, 17023 and 17024, Health and Safety Code.
HISTORY:
1. New Subchapter 3 (§§ 1300, 1302, 1304) filed 12–3–70; effective thirtieth day thereafter (Register 70, No. 49).
2. Repealer of Subchapter 3 (§§ 1300, 1302, 1304) filed 2–4–77 as procedural and organizational; effective upon filing (Register 77, No. 6). For prior history, see Register 75, No. 23.
3. New Subchapter 3 (Sections 600–940, not consecutive, and Appendix A) filed 3–14–78 (formerly Chapter 2, Sections 2000–2098, not consecutive); effective thirtieth day thereafter (Register 78, No. 11). Approved by the Building Standards Commission 12–12–77. For prior history see Register 71, No. 6; Registers 73, No. 4, No. 17, No. 25 and No. 34; Registers 75, No. 3, No. 23, No. 30, and No. 48; and Register 77, No. 5.
4. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
5. Editorial correction repealing Article 1 (Sections 600–604, not consecutive) and adding new Article 1 (Section 600) filed 11–18–82 (Register 82, No. 47).

Article 2. Definitions

§ 610. Definitions

The definitions applicable to this subchapter in addition to those set forth in Sections 17003–17012 of the Health and Safety Code and in Title 24, Parts 2, 3, 4 and 5, California Administrative Code are as follows:

Agricultural Employer. An “agricultural employer” as defined in Section 1140.4 of the Labor Code.

Dairy Labor Camp. A labor camp eligible for an exemption pursuant to Section 17031 of the Health and Safety Code.

Employee Community Housing. Employee housing eligible for an exemption pursuant to Sections 17005.5 and 17031.3 of the Health and Safety Code.

Labor Camp. In addition to the provisions of Health and Safety Code Section 17008, a “Labor Camp” shall include but is not limited to that portion or unit of any housing accommodation or structure which is occupied on a temporary, seasonal, or permanent basis by a total of five (5) or more agricultural workers of any agricultural employer or employers, whether or not such an accommodation or structure is maintained in connection with any work or workplace. Only those dwelling units in an accommodation or structure which, when taken together, are occupied by the five or more employees of any agricultural employer or employers are subject to this subchapter. To the extent that an accommodation or structure containing one or more units subject to this subchapter is also held out for hire to the public, and is therefore generally subject to the State Housing Law (Health and Safety Code Section 17910, et seq.), the units occupied by the five or more employees of any agricultural employer or employers shall be subject to this subchapter; however, if the existence or absence of a particular condition directly or indirectly affects any other tenant of the same structure or accommodation and would be a violation of the State Housing Law, all the units subject to this

subchapter shall be subject to the standards of the State Housing Law for the purposes of the existence or absence of that condition.

Mess Hall Kitchen. A room or portion of a room used or intended to be used as a kitchen in conjunction with a mess hall.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17050, Health and Safety Code. Reference: Sections 17005.5, 17008, 17031 and 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).
4. Amendment filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).
5. Amendment filed 8–7–86; effective thirtieth day thereafter (Register 86, No. 32).

Article 3. Administration and Enforcement

§ 620. Enforcement

Enforcement of this subchapter shall be governed by Sections 17050, 17051 and 17052 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17050, 17051 and 17052, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 621. Local Assumption of Enforcement Responsibility

(a) The assumption of responsibility for the enforcement of the Employee Housing Act and the provisions of this subchapter by a city, county, or city and county shall be by means of any official ordinance, resolution or minute order of the city council or board of supervisors which shall contain the following information:

(1) The indication of request for assumption of responsibility for the enforcement of the Employee Housing Act and this subchapter.

(2) The name of the agency, department or departments designated responsibility for administration and enforcement.

(3) The effective date desired for assumption of enforcement responsibilities.

(4) The fee schedule to be used by enforcement agency.

(b) Two certified copies of the ordinance, resolution or minute order shall be forwarded to the department not less than 180 days prior to the date of desired assumption of enforcement responsibility in order to facilitate the qualification of the appointed enforcement agency. Said assumption date shall be designated as either January 1 or July 1 following the notification and the approval by the department.

(c) The department shall acknowledge receipt of the request for assumption of enforcement responsibility and shall advise the local enforcement agency to apply for the approval.

(d) Prior to approval, the personnel designated to perform labor camp or employee community housing inspections shall demonstrate actual inspection capabilities to the satisfaction of the department.

(e) The department shall advise the local jurisdictions of the accepted effective date upon the approval of the inspection personnel. The department will forward to the local jurisdiction a list of all the labor camps and employee community housing with permits to operate on the effective date together with the inspection reports and the pertinent data as required.

(f) Every city, county, or city and county which has been approved by the department for the enforcement of the Employee Housing Act, shall enforce all of the provisions of this subchapter.

(g) Every city, county, or city and county which assumes responsibility for enforcement of the Employee Housing Act shall comply with all of the provisions of chapter 5.5 of this division, beginning with section 5802, regarding verification of the eligibility of applicants for permits to operate labor camps to receive public benefits.

(h) All local enforcement agencies shall be evaluated by the department annually.

(i) The department may revoke its approval of a local enforcement agency for cause.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17050, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Section 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of subsections (a) and (f) filed 11–18–82 (Register 82, No. 47).

3. New subsection (g), subsection relettering and amendment of Note filed 3–20–98 as an emergency; operative 4–6–98 (Register 98, No. 12). A Certificate of Compliance must be transmitted to OAL by 8–4–98 or emergency language will be repealed by operation of law on the following day.
4. New subsection (g), subsection relettering and amendment of Note refiled 8–4–98 as an emergency; operative 8–4–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–2–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 8–4–98 order transmitted to OAL 12–1–98 and filed 1–14–99 (Register 99, No. 3).

§ 623. Filing of Complaints

(a) The provisions of this subchapter for filing complaints are governed by Sections 17053, 17054, and 17055 of the Health and Safety Code.

(b) A copy of all complaints received by a local enforcement agency shall be submitted to the Department of Housing and Community Development, Division of Codes and Standards, at its administrative office. The copies of all written reports issued on all complaints will also be submitted to the department until the complaint is resolved.

Note: The final appeal authority when the appeal relates to a building standard is the State Building Standards Commission. Section 18945, Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17053, 17054 and 17055, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 624. Information Notice

(a) An appropriate notice in English and Spanish, prepared by the department, shall be posted in all occupied labor camps or employee community housing.

(b) The notice will outline the basic requirements of the Employee Housing Act which relate to maintenance, use and occupancy of a labor camp or employee community housing.

(c) The enforcement agency shall obtain the number of notices necessary from the department.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 625. Posting of Notices

(a) The enforcement agency shall post such notice or require the camp or employee community housing operator to post such notice, in one or more conspicuous central locations accessible to the occupant housed within the labor camp or employee community housing.

(b) The notice shall include a notation prepared by the enforcement agency giving the following information.

(1) Name of enforcement official to contact.

(2) Name of the enforcement agency.

(3) Address of enforcement agency's office to be contacted.

(4) Telephone number for contacting the responsible agency personnel.

(c) The required notice shall remain posted during all periods in which the labor camp or employee community housing is occupied.

(d) A bulletin board securely attached to the wall or a suitable wall surface shall be designated for the purpose of posting required notices.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).
4. Amendment of subsection (a) filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

§ 626. Operator's Responsibility

(a) Every labor camp whether occupied or not, with a valid permit to operate or employee community housing shall comply with those portions of this subchapter specifically applicable to them except that portable equipment, which is actually moved or can easily be moved from one place to another in normal use, need not be maintained in an unoccupied labor camp.

(b) The person owning a labor camp or employee community housing shall also be considered to be the operator of a labor camp, even though the property and facilities comprising the labor camp or employee community housing may be leased to another person. A person is any individual, company, society, firm, partnership, association or corporation.

(c) Where a labor camp or employee community housing is located on property owned by any governmental agency, a lessee shall also be considered to be the operator of a labor camp or employee community housing if he or she has leased the property and facilities comprising the labor camp or employee community housing.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).
4. Amendment of section heading filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

§ 627. Responsible Person

The name, address and telephone number of the responsible person as set forth in Section 17038 of the Health and Safety Code shall be posted in a conspicuous place on the premises if he or she does not reside on or is not available on the premises.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17038, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 628. Occupant's Responsibility

Every occupant of a labor camp or employee community housing shall properly use the facilities furnished and shall comply with the relevant maintenance and sanitation provisions of this subchapter.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).
4. Amendment filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

Article 4. Permits and Fees and Compliance

Subarticle 1.

§ 631. Application for a Permit to Operate a Labor Camp

(a) Application for a permit to operate a labor camp shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

(1) The name and address and telephone numbers of the camp owner and operator.

(2) The location of the camp.

(3) Approximate number of occupants to be housed.

(4) A description of the facilities comprising the camp.

(5) Approximate dates of occupancy.

The operator shall obtain an amended permit to operate when there is any change in the foregoing information applicable to the labor camp.

(b) The provisions of Section 17032 shall not apply to labor camps owned or operated by railroad corporations. Application for a permit to operate a labor camp owned or operated by a railroad corporation shall be made to the Department of Housing and Community Development within 30 days of initial occupancy and shall contain at least the following information:

(1) The name and address and telephone numbers of the camp owner and operator.

(2) The present location of the camp.

(3) The present approximate number of occupants to be housed.

(4) A description of the present facilities comprising the camp.

(5) Approximate dates of present occupancy. An amended permit shall not be required if there is any change in the

foregoing information applicable to the railroad labor camp, provided, however, the railroad corporation shall make such information available to the department upon reasonable request.

(c) Every application shall be accompanied by evidence of compliance with all local planning requirements. For the purposes of this section, labor camps having a permit to operate for the preceding year, or registered in accordance with the provisions of the Health and Safety Code in effect prior to January 1, 1975, shall be deemed to comply with the local planning requirements.

(d) Application forms, permits to operate, and amended permits to operate issued by a local enforcement agency shall be in conformity with state applications and permits. Whenever a local enforcement agency issues a permit to operate, a copy of the application and permit shall be sent to the Department of Housing and Community Development, Division of Codes and Standards, at its administrative office, by the 10th day of the month following the issuance of the permit to operate.

(e) Permit to Operate. Every person intending to operate a labor camp for any period of time within any calendar year shall file an application and submit appropriate fees to the enforcement agency for a permit to operate at least 45 days prior to the date of initial occupancy.

(f) When applying for a permit, the applicant stipulates to acceptance of service of any notice or process at the address shown on the application or shall designate otherwise on the permit application.

(g) When applying for a permit, the applicant shall present to the enforcement agency documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.

(h) When emergency conditions make it necessary to provide emergency living facilities for the work crews, the person responsible for providing such housing shall notify the enforcement agency within five days after occupancy. Fees for the inspection of the emergency living facilities shall be paid as provided in Section 644 for reinspections.

(i) An application will not be deemed submitted until it is completed.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 17032 and 17033, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).
3. New subsection (g), subsection relettering and amendment of Note filed 3–20–98 as an emergency; operative 4–6–98 (Register 98, No. 12). A Certificate of Compliance must be transmitted to OAL by 8–4–98 or emergency language will be repealed by operation of law on the following day.
4. New subsection (g), subsection relettering and amendment of Note refiled 8–4–98 as an emergency; operative 8–4–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–2–98 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction restoring inadvertently omitted subsection (d) (Register 98, No. 34).
6. Certificate of Compliance as to 8–4–98 order, including amendment of subsection (g), transmitted to OAL 12–1–98 and filed 1–14–99 (Register 99, No. 3).

§ 632. Permit to Operate

HISTORY:
1. Editorial correction repealing Section 632 filed 11–18–82 (Register 82, No. 47).

§ 633. Exemption for Employee Community Housing

(a) An application for exemption for employee community housing shall be made to the enforcement agency at least 45 days prior to the date upon which the exemption is desired, and shall be granted by the enforcement agency pursuant to Section 17031.3 of the Health and Safety Code.

(b) An application for exemption accompanied by appropriate fees, as set forth in Section 637, shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

(1) The name, address, and telephone numbers of the community owner and operator.

(2) The location of the employee housing community.

(3) Exact number of dwellings in the employee housing community.

(4) Designs of facilities comprising the employee housing community.

(5) Other information requested by the enforcement agency relevant to the granting or denial of an exemption pursuant to this section.

(c) The operator shall submit an amendment to the exemption application whenever there is any substantial or material change in the foregoing information applicable to the employee community housing.

(d) An application will not be deemed submitted until it is completed.

(e) When the exemption is granted by a local enforcement agency, the information required by Section 17031.4 shall be submitted to the Department within 30 days after the exemption is granted.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17031.3 and 17031.4, Health and Safety Code.
HISTORY:

1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 634. Exemption for Labor Camps on Dairy Farms

(a) An application for exemption for a labor camp and dairy farm shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be granted by the enforcement agency pursuant to Sections 17030 and 17031 of the Health and Safety Code.

(b) An application for an exemption, accompanied by appropriate fees shall be on forms supplied by the enforcement agency and shall contain at least the following information:

(1) The name, address, and telephone numbers of the permanent housing owner and operator.

(2) The location of the dairy farm labor camp.

(3) Exact number of dwellings on the labor camp.

(4) Designs of the facilities comprising the housing project.

(5) The year the dwellings on the labor camp were constructed.

(6) The number of years the labor camp was operated with a valid permit to operate.

(7) Other information requested by the enforcement agency including but not limited to information to ensure that the labor camp qualifies as a dairy farm labor camp pursuant to Sections 17019 and 17030 of the Health and Safety Code.

(c) An application will not be deemed submitted until it is completed.

(d) When the exemption is granted by a local enforcement agency, the information required by Section 17031 shall be submitted to the Department within 30 days after the exemption is granted.

(e) The operator shall submit an amendment to the exemption application whenever there is any change in the foregoing information applicable to the dairy farm labor camp.

(f) The written findings required by Section 17031 of the Health and Safety Code shall be filed in the project record and shall be retained until the exemption is revoked.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 1704 and 17050, Health and Safety Code. Reference: Sections 17030 and 17031, Health and Safety Code.
HISTORY:
1. New section filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 636. Renewal Prohibited

No permit to operate shall be issued for a labor camp when the permit to operate for the preceding year has been denied or suspended, or when the operator has failed to comply with a notice issued by the enforcement agency to correct the violations of the Health and Safety Code and of this subchapter. When the operator submits proof of compliance with the applicable provisions of the Health and Safety Code and this subchapter to the enforcement agency, the enforcement agency may issue a new permit to operate if all other terms and conditions for a permit are met

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17031, 17034 and 17036, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 637. Permit to Operate or Exemption Fees

Every person applying for an exemption as employee community housing or a dairy farm labor camp or a permit to operate a labor camp shall submit fees for a permit to operate or exemption to the enforcement agency in accordance with the provisions of this section.

(a) Where the department is the enforcement agency, fees for a permit to operate a labor camp shall be determined as follows:

(1) Issuance fee of $200.00.

(2) Permit to operate fee of $27.00 for each employee the operator intends to house where such housing is supplied by the operator, and $27.00 for each lot or site provided for parking of mobile homes or recreational vehicles by employees.

(3) Amended permit fee of $20.00 for any transfer of ownership or possession.

(4) Amended permit fee of $20.00 and fees specified in this section for any increase in the number of employees to be housed and additional lots or sites provided for parking of mobilehomes or recreational vehicles by employees.

(b) Where the department is the enforcement agency, fees for an exemption shall be determined as follows:

(1) Issuance fee of $35.00.
(2) An exemption fee of $12.00 for each permanent housing unit.
(3) Amended exemption fee of $20.00 for any transfer of ownership or possession.
(4) Amended permit fee of $20.00 and fees specified in this section for any increase in the number of permanent housing units.
(c) Where a city, county, or city and county has assumed responsibility for enforcement of Chapter 1 of Part 1 of Division 13 of the Health and Safety Code and this subchapter, such city, county, or city and county may by ordinance, establish a schedule of fees for the operation of labor camps or employee community housing which shall not exceed the fees for a permit to operate or exemption established by this section.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Section 17036, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 7–9–82; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 82, No. 28).
3. Change without regulatory effect amending subsections (a)(1) and (a)(2) filed 9-17-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 38).

§ 638. Compliance

Every person, or his or her agent or officer thereof, constructing, operating, or maintaining a labor camp shall comply with the requirements of this part, building standards published in the State Building Standards Code relating to labor camps, and other regulations adopted pursuant to the provisions of this part. Every person or his or her agent or officer thereof, constructing, operating, or maintaining employee community housing shall comply with the State Housing Law and other regulations adopted pursuant to this subchapter specifically applicable to employee community housing.
The provisions contained in Section 17920.3 of the Health and Safety Code relating to a substandard building shall be applicable to this subchapter. Abatement of any substandard condition may be in accordance with Sections 17060 and 17890 of the Health and Safety Code or actions and proceedings as set forth in Article 6, commencing with Sections 50 through 72, of this Title, (State Housing Law Regulations).

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17037, 17040 and 17050, Health and Safety Code. Reference: Section 17037, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 639. Double Fees

AUTHORITY:
Note: Authority cited: Sections 17036, 17040, 17050, Health and Safety Code. Reference: Section 17037, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction repealing Section 639 filed 11–18–82 (Register 82, No. 47).

§ 640. Preoccupancy Inspection, Local Enforcement Agency

Upon receipt of a complete application for a permit to operate or an exemption and appropriate fees, the local enforcement agency shall inspect the labor camp or employee community housing within 30 days. If upon inspection the labor camp or employee community housing is found to be in compliance with the applicable provisions of the Health and Safety Code and this subchapter, a permit to operate or exemption shall be issued by the local enforcement agency, as appropriate, if all other terms and conditions are met.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17003.5, 17030, 17031 and 17031.3, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).
3. Amendment filed 11–18–85; effective thirtieth day thereafter (Register 85, No. 47).

§ 641. Permit Application Review, Notice of Department Decision and Occupancy Approval

(a) Where the department is the enforcement agency, the following procedures shall apply.
(1) Within seven (7) days of receiving the application for a permit to operate and appropriate fees in the office designated on the application forms, the department shall review each license application received pursuant to this chapter, and notify the applicant in writing of either the acceptance of the application for filing, or the rejection of the

application due to incompleteness or errors, specifically identifying the incompleteness or errors and what must be done in order to make the application complete and acceptable.

(2) Unless the applicant requests otherwise, within 45 days of receiving a completed application for a permit to operate and appropriate fees, the department shall inspect the labor camp or employee housing. If upon inspection the labor camp or employee community housing is found to be in compliance with the applicable provisions of the Health and Safety Code and this subchapter, and if all local approvals have been obtained, the department shall issue a permit to operate within seven (7) days of the inspection.

(3) If the labor camp or employee community housing is not found to be in compliance or if all local approvals have not been obtained, it shall be the responsibility of the operator to request, in writing, any subsequent reinspections by the department.

(4) Within 30 days of receiving a written request for reinspection and appropriate fees, the department shall reinspect the labor camp or employee community housing. If upon reinspection the labor camp or employee community housing is found to be in compliance with the applicable provisions of the Health and Safety Code and this subchapter, and if all local approvals have been obtained, the department shall issue a permit to operate within seven (7) days of the reinspection.

(b) A survey conducted pursuant to Government Code Section 15376 of the department's performance determined the minimum, median and maximum elapsed time between receipt of a completed application for a permit to operate a labor camp and issuing the permit to operate a labor camp; the results are as follows:

(1) Minimum: 1 calendar day

(2) Median: 38 calendar days

(3) Maximum: 357 calendar days

(c) The department may exceed the maximum time as provided in subsection (a), if any of the following occurs:

(1) The number of applications is 15 percent greater than for the same calendar quarter of the preceding year.

(2) The department's application process is delayed due to rejection of the labor camp's kitchen facilities, water supply or sewage disposal by the local Department of Health.

(3) An applicant requests that an application, inspection or permit issuance be delayed.

AUTHORITY:
Note: Authority cited: Section 15376, Government Code. Reference: Sections 15374–15378, Government Code; and Sections 17003.5 and 17036, Health and Safety Code.
HISTORY:
1. New section filed 11–18–85; effective thirtieth day thereafter (Register 85, No. 47).

§ 642. Noncompliance

In the event that the labor camp or employee community housing cannot be approved for occupancy or when inspected, the enforcement agency shall notify the applicant by means of a compliance order which describes in what respects the labor camp or employee community housing does not comply. The operator shall perform the required corrective work and request reinspection prior to occupying the labor camp or employee community housing. The operator shall pay the reinspection fees prescribed by these regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 644. Reinspection Fees

(a) The fees for a permit to operate or an exemption shall be considered as inspection fees for the initial inspection of an employee housing facility or employee community housing. When a reinspection is required, pursuant to Section 642 of this subchapter, the operator shall pay a reinspection fee for each such reinspection as follows:

(1) One hundred seventy–eight dollars ($178) providing the reinspection does not exceed one hour. When the reinspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

AUTHORITY:
NOTE: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Amendment of subsections (a) and (b) filed 7–9–82; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 82, No. 28).
4. Amendment filed 12–9–88; operative 1–8–89 (Register 88, No. 52).
5. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 645. Technical Service and Fees

(a) The department may charge technical service fees to any person requesting technical services such as interpretation or clarification of the application of this subchapter if these services are beyond the scope of normal department technical assistance. Technical services for the purpose of this section do not include inspections.

(b) Requests for such service shall be submitted to the department in writing and accompanied by the technical service fee. The fees shall be determined as follows:

(1) One hundred ninety–six dollars ($196) providing the technical service does not exceed one hour. When the related technical service exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(c) Fees shall be submitted by a cashier's check, money order, personal or company check, payable to the Department of Housing and Community Development.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.
HISTORY:
1. New section filed 7–9–82; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 82, No. 28).
2. Amendment of subsection (b) filed 12–9–88; operative 1–8–89 (Register 88, No. 52).
3. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 648. Multiple Year Permits to Operate

(a) Application for a multiple year permit to operate a labor camp shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be granted by the enforcement agency pursuant to Sections 17030 and 17030.5 of the Health and Safety Code.

(b) An application for a multiyear permit to operate accompanied by appropriate fees, as set forth in Section 637, shall be on forms supplied by the enforcement agency and shall contain at least the following information:

(1) The name, address, and telephone numbers of the permanent housing labor camp owner and operator.

(2) The location of the permanent housing labor camp.

(3) Exact number of single family detached dwellings.

(4) Designs of the facilities comprising the permanent housing labor camp.

(5) The year the dwellings on the labor camp were constructed.

(6) The number of years the labor camp has been operating with a valid permit to operate.

(7) Other information requested by the enforcement agency including but not limited to information to ensure that the permanent housing qualifies as a permanent housing labor camp pursuant to Section 17010(d) and 17030.5 of the Health and Safety Code.

(8) A maintenance plan that will adequately maintain the housing during the period of time covered by the permit to operate.

(c) When applying for a multiple year permit, the applicant shall present to the enforcement agency documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.

(d) An application will not be deemed submitted until it is completed.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 17030, 17030.5 and 17040, Health and Safety Code.
HISTORY:
1. Repealer filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. New section filed 5–23–80 as an emergency; effective upon filing (Register 80, No. 21). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 9–21–80.
3. Certificate of Compliance filed 8–20–80 (Register 80, No. 34).
4. Editorial correction filed 11–18–82 (Register 82, No. 47).
5. New subsection (c), subsection relettering and amendment of Note filed 3–20–98 as an emergency; operative 4–6–98 (Register 98, No. 12). A Certificate of Compliance must be transmitted to OAL by 8–4–98 or emergency language will be repealed by operation of law on the following day.
6. New subsection (c), subsection relettering and amendment of Note refiled 8–4–98 as an emergency; operative 8–4–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–2–98 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 8–4–98 order, including amendment of subsection (c), transmitted to OAL 12–1–98 and filed 1–14–99 (Register 99, No. 3).

§ 650. Conditional Permit to Operate or Exemption

A conditional permit to operate may be issued to permit partial occupancy of complying portions of a labor camp only under the following conditions:

(a) After preoccupancy inspection, the camp operator will be issued a written compliance order listing all buildings not in compliance. A notice of prohibited occupancy shall be posted on any building deemed to be unsafe for human habitation or adjacent thereto if necessary, and shall be so noted in the report. The compliance order shall also list

those buildings which are in compliance for which a conditional permit to operate may be issued.

(b) Any building in a labor camp that is not intended to be used, and so declared by the operator shall be noted in a written report, shall be secured by the operator, and shall be posted by the enforcement agency at each entrance to the building with a notice of prohibited occupancy.

(c) The conditional permit to operate or exemption shall not be required to include those buildings secured, posted, and declared by the operator not to be a part of the labor camp. The conditional permit to operate or exemption fee shall include all other housing, including that housing which may be listed as not to be occupied until compliance has been verified.

(d) The enforcement agency may issue a conditional permit to operate that portion of a labor camp complying with the provisions of this subchapter. The units approved for occupancy and the units not to be occupied until compliance has been verified shall be noted on the conditional permit to operate.

(e) When applying for a conditional permit, the applicant shall present to the enforcement agency documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.

(f) Upon reinspection and verification of compliance with the applicable provisions of the Health and Safety Code and this subchapter, a revised permit to operate or exemption shall be issued by the enforcement agency, without requiring an amended permit fee or exemption fee.

(g) There can be no conditional exemption. A dairy labor camp or a proposed employee community housing which is not fully in compliance with required standards may be issued a conditional permit to operate pursuant to this section.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 17036 and 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).
4. New subsection (e), subsection relettering and amendment of Note filed 3–20–98 as an emergency; operative 4–6–98 (Register 98, No. 12). A Certificate of Compliance must be transmitted to OAL by 8–4–98 or emergency language will be repealed by operation of law on the following day.
5. New subsection (e), subsection relettering and amendment of Note refiled 8–4–98 as an emergency; operative 8–4–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–2–98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 8–4–98 order, including amendment of subsection (e), transmitted to OAL 12–1–98 and filed 1–14–99 (Register 99, No. 3).

Article 5. New Construction

§ 652. Construction Permits and Construction Requirements

(a) No person shall construct, reconstruct, erect, install, relocate or alter any building used for human habitation, building accessory thereto, or other housing accommodations, intended to be used for employee housing or a labor camp, or employee community housing, or any electrical, mechanical, or plumbing equipment or installation in a labor camp or employee community housing, without first obtaining a written construction permit from the local building department.

Note: Permits to construct and construction standards for other nonresidential buildings may be applicable pursuant to local ordinances in the jurisdiction in which the labor camp or employee community housing is located. Refer to Division 13, Part 3, Health and Safety Code relating to the Earthquake Protection Law primarily enforced by local agencies.

(b) Except as otherwise permitted or required by Division 13, Part 1.5 of the Health and Safety Code (State Housing Law), all buildings and structures in labor camps or employee community housing subject to the State Housing Law shall be constructed in accordance with the requirements contained in Parts 2, 3, 4 and 5, Title 24, California Administrative Codes.

(c) Construction permits for the installation of the facilities to accommodate mobilehomes, recreational vehicles, commercial coaches, and campgrounds shall be obtained from the enforcement agency which has responsibility for the enforcement of the Mobilehome Parks Act, Division 13, Part 2.1, of the Health and Safety Code.

(d) The installation permits for mobilehomes and commercial coaches, where required by the Mobilehome Parks Act, shall be obtained from the appropriate enforcement agency and an alternate approval shall be obtained from the department for the use of commercial coaches.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036 and 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 653. Alternate Approval

(a) Alternate approval requirements for this subchapter shall be in accordance with Section 17002 of the Health and Safety Code.

(b) When an operator requests an alternate use of any material, appliance, installation, or device, the enforcement agency shall advise and obtain views of the employees on the premises at the time. A synopsis of these views shall be submitted with the request for alternate approval.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17002, 17040 and 17041, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 654. Construction Permit Fees

(a) Every person obtaining a construction permit shall pay the fees prescribed for such permits by local ordinance where the local ordinance is applicable.

(b) Where a local ordinance does not apply, construction permit fees shall be determined in accordance with the schedule of fees in Title 25, California Administrative Code, Chapter 1, Subchapter 1, State Housing Law Regulations, and paid to the department.

(c) Construction permit fees for the installation of facilities to accommodate mobilehomes shall be determined in accordance with the schedule of fees in Title 25, California Administrative Code, Chapter 2, Subchapters 1 and 2 and paid to the appropriate enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17040 and 17041, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 655. Heat

Shower rooms shall be provided with heating equipment which shall be capable of maintaining a temperature of 70 degrees F (21.0 degrees Celsius) within such rooms.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 658. Tents

AUTHORITY:
Note: Authority cited: Sections 17036, 17040, 17050, Health and Safety Code. Reference: Sections 17036, 17040, 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction repealing Section 658 filed 11–18–82 (Register 82, No. 47).

§ 660. Substandard Buildings

AUTHORITY:
Note: Authority cited: Sections 17036, 17040, 17050, Health and Safety Code. Reference: Sections 17036, 17040, 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–0.
2. Editorial correction repealing Section 660 filed 11–18–82 (Register 82, No. 47).

§ 662. Window Screening

HISTORY:
1. Editorial correction repealing Section 662 filed 11–18–82 (Register 82, No. 47).

§ 664. Door Screening

HISTORY:
1. Editorial correction repealing Section 664 filed 11–18–82 (Register 82, No. 47).

Article 6. Maintenance, Use and Occupancy

Subarticle 1. Area Requirements

§ 700. Drainage

The premises shall be free from depressions in which water can stand. Natural sinkholes, pools, swamps or other surface collectors of water within two hundred feet (60.9 meters) of the periphery of the camp shall be either drained or filled to remove the quiescent surface water. Areas such as irrigation drain ditches, etc., containing water not subject to such drainage or filling shall be treated to prevent the breeding of mosquitoes, vermin or vectors as approved by the local health department or other authorized agency.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 702. Livestock

Domestic animals and poultry shall not be permitted to run at large in any labor camp.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 704. Structures

(a) General. Structures, mobilehomes, travel trailers, camp cars, coaches, and other housing accommodations shall be maintained so as to provide shelter to the occupants against the elements and to exclude dampness and shall be kept clean and free from vermin, vectors and other matter of an infectious or contagious nature. The entire grounds within the area of a labor camp subject to this subchapter shall be kept clean and free from accumulation of debris, filth, garbage and deleterious matter.

(b) Location. Structures, mobilehomes, travel trailers, camp cars, tents, commercial coaches and other housing accommodations shall be maintained not less than seventy–five feet (22.8 meters) from barns, pens or similar quarters of livestock or poultry, unless more restrictively regulated by local jurisdictions.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment of subsection (a) filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of subsection (b) filed 11–18–82 (Register 82, No. 47).

Subarticle 2. Building and Structure Requirements

§ 708. Employee Community Housing

Except as amended by a local government, employee community housing shall be subject to the State Housing Law.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. New section filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 710. Maintenance

All labor camp buildings, structures, or other housing accommodations and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which were required in a building or structure when erected, altered, or repaired shall be maintained in good working order.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17040 and 17050, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of section heading and NOTE filed 11–18–82 (Register 82, No. 47).

§ 712. Buildings Identified

All buildings and other housing accommodations used for habitation in a labor camp shall be numbered or designated by street numbers or other suitable means of identification. The identification shall be in a conspicuous location facing the street or driveway and shall be in letters or numbers at least 3 inches (7.6 centimeters) high.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 714. Windows

HISTORY:
1. Editorial correction repealing Section 714 filed 11–18–82 (Register 82, No. 47).

§ 720. Exit Way Lighting

HISTORY:
1. Editorial correction repealing Section 720 filed 11–18–82 (Register 82, No. 47).

§ 722. Exits

The exit facilities for all buildings or portions thereof in labor camps shall be maintained clear and unobstructed at all times.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 724. Floor Area

The rooms or areas used for sleeping purposes for more than one person shall be maintained with a floor area of not less than fifty (50) square feet (4.5 square meters) for each occupant and a minimum average ceiling height of not less than seven feet (2.1 meters).

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 728. Insect Screening

(a) All openable windows in rooms used for living, dining, cooking, and sleeping purposes, and bathing and toilet facilities shall be properly maintained with insect screening.

(b) All exterior door openings of rooms used for living, dining, cooking, and sleeping purposes, and bathing and toilet facilities shall be properly maintained with insect screen doors or with solid wood doors, and self–closing devices on such doors shall be maintained to function properly.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 730. Sleeping Rooms

The sleeping rooms shall be provided for all occupants; provided, however, that where occupants furnish their own camping equipment, mobilehomes, or recreational vehicles, the operator shall provide an approved site, sanitary, utility and/or cooking facilities as required by this subchapter for the use of such occupants.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.

HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).
2. Amendment filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

§ 732. Beds and Bedding

(a) Beds. Suitable and separate beds shall be maintained for all occupants. Such beds shall be made of steel, canvas or other material acceptable to the enforcement agency and shall be so constructed as to afford reasonable comfort to the occupants. Such beds shall be maintained in a clean and sanitary condition, but need not be maintained in an unoccupied labor camp.

(b) Bedding. An occupant, upon his or her request, shall be supplied with a mattress or some equally comfortable bedding for which a reasonable charge, deductible from wages, may be made. Such bedding shall be maintained in a clean and sanitary condition.

(c) Bed Separation.

(1) Every bed shall have a clear space of at least ten inches (25.4 centimeters) from the floor to the underside of the bed.

(2) A clear space of at least thirty inches (76.2 centimeters) extending from the floor to the ceiling or roof of any sleeping place shall be maintained horizontally between each bed therein.

(3) At least four feet (121.9 centimeters) of clear space shall be maintained horizontally between each set of double deck beds having one tier above the other.

(4) There shall be not more than two tiers of beds, one above the other. There shall be a clear vertical space of 30 inches (76.2 centimeters) maintained between the upper and lower bed.

(d) Bed Use. The beds located closer than required separations shall be maintained to be separated by a solid partition with a minimum of 10 inches (25.4 centimeters) clearance from the floor, 18 inches (45.7 centimeters) below the ceiling, and 24 inches (60.9 centimeters) above the topmost bed.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment of subsection (b) filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).
3. Amendment of subsections (a) and (b) filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

§ 734. Prohibited Room Use

Kitchens and mess halls shall not be used for sleeping purposes.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

Subarticle 3. Kitchens and Mess Halls

§ 736. Community Kitchens

(a) Where occupants are permitted or required to cook for themselves, other than in a dwelling unit, mobilehome, or recreational vehicle with a separate kitchen, a separate room shall be maintained and equipped for use as a community kitchen.

(b) Refrigeration. Provision shall be made for safe storage of food. Refrigerated storage shall be provided which shall be capable of maintaining a temperature of 45 degrees F (7.2 degrees Celsius) or below.

(c) Dishware and utensils used for food service shall be permanently assigned to each occupant using the community kitchen and shall be disinfected in an approved manner prior to reassignment to another occupant.

(d) Sufficient shelving space shall be maintained and assigned each occupant, in or near the community kitchen, to store food supplies and utensils off the floor. Metal containers or other approved containers with tight fitting lids shall be maintained and provided for the storage of open bulk food supplies.

(e) The floors, walls, ceilings, tables, shelves, and countertops shall be maintained in a clean and sanitary condition. Floors, tables, drainboards, and countertops shall be maintained with cleanable materials impervious to moisture.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction of subsections (b) and (d) filed 11–18–82 (Register 82, No. 47).
2. Amendment of subsection (e) filed 3–15–83 (Register 83, No. 12).
3. Amendment of subsections (a) and (d) filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

§ 738. Mess Halls and Mess Hall Kitchens

Mess halls, mess hall kitchen, and food handlers shall comply with the sanitation requirements of the California Health and Safety Code, Division 22, Chapter 11, California Restaurant Act, as applicable. A certificate of approval issued by the Local Health Department shall be required by the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 740. Kitchens and Mess Hall Maintenance

(a) Utensils. All utensils and implements in which food is prepared or kept or from which food is to be eaten, shall be kept in a clean, unbroken and sanitary condition.

(b) Equipment. The floors, walls, ceilings, tables and shelves of all kitchens, dining rooms, refrigerators and food storage rooms shall be maintained in a clean and sanitary condition. Floors, tables, drainboards, and countertops shall be maintained with cleanable materials impervious to moisture.

(c) Shelves and Containers. Sufficient shelving shall be maintained in or near the kitchen or mess hall kitchen to store all food supplies at least six (6) inches (15.2 centimeters) above the floor. Metal or other approved containers with tight–fitting covers shall be provided for the storage of all opened or unopened bulk food supplies.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction of subsections (b) and (c) filed 11–18–82 (Register 82, No. 47).
2. Amendment filed 3–15–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 742. Garbage, Waste and Rubbish Disposal

All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles which shall be emptied when filled and the contents shall be disposed of in a sanitary manner acceptable to the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

Subarticle 4. Fire Equipment and Hazards

§ 744. Fire Extinguishers and Fire Extinguishing Systems

Fire extinguishers shall comply with the requirements of the State Fire Marshal contained in Title 19, California Administrative Code.

(a) Mess Hall Kitchens. Approved Class B–C type fire extinguishers providing not less than 20 units of extinguishing capacity shall be maintained in each mess hall kitchen.

(b) Dormitories. Approved Class A type fire extinguishers providing not less than two units of extinguishing capacity shall be maintained for each 5,000 square feet (450 square meters) of floor area or portion thereof of any dormitory building.

(c) Equipment. All fire extinguishing systems and equipment shall be adequately maintained to insure their operability in an emergency.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 746. Fire Hazards

No article or material the enforcement agency determines may be dangerous or create a fire hazard, shall be maintained in or on the premises of a labor camp.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

Subarticle 5. Plumbing Systems

§ 756. Use and Maintenance

Any existing plumbing system may have its use, maintenance and repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety, or welfare has been created by such system.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 758. Safeguards

The plumbing system, all fixtures, equipment, devices and safeguards shall be clean and maintained in good working order.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 760. Toilet and Bathing Facilities

(a) An employee housing site first issued a permit to operate prior to February 22, 1973, shall provide one toilet and one bathing facility for every fifteen occupants of each sex.

(1) Each employee housing site shall consist of all accommodations used as specified in Health and Safety Code section 17008.

(2) When calculating this ratio, do not include the following:

(A) a living unit with built–in toilet and bathing facilities, which is occupied by a single family, and

(B) any sleeping area that is not in compliance with the requirements of subdivision (d).

(b) An employee site first issued a permit to operate on or after February 22, 1973, shall provide toilet and bathing facilities for each sex at a ratio not to exceed ten occupants for each toilet and each bathing facility.

(1) Each employee housing site shall consist of all accommodations used as specified in Health and Safety Code section 17008.

(2) When calculating this ratio, do not include the following:

(A) a living unit with built–in toilet and bathing facilities, which is occupied by a single family, and

(B) any sleeping area that is not in compliance with the requirements of subdivision (d).

(c) An enforcement agency may permit different types and ratios of toilet and bathing facilities in temporary and seasonal employee housing, when written approval for each specific type and ratio is provided by the local health officer. The written approval shall be based upon a finding that the type and ratio of toilet and bathing facilities are sufficient to process the anticipated volume of sewage and waste water, while maintaining sanitary conditions for the occupants of the employee housing.

(d) Toilet and bathing facilities that are counted toward the ratio, as required by subdivisions (a) or (b), shall be located as follows:

(1) Toilet and bathing facilities for temporary and seasonal employee housing, that are not connected to a permanent sewage disposal system, shall be located no closer than fifty (50) feet (15 meters), or more than two hundred (200) feet (61 meters) from sleeping, eating, and/or food preparation areas.

(2) Toilet and bathing facilities discharging to a permanent sewage disposal system shall be located no further than two hundred (200) feet (61 meters) from sleeping, eating, and/or food preparation areas.

(e) Shower wall areas shall be maintained in a cleanable, noncorrosive, and waterproof condition to a height not less than six (6) feet (1.8 meters) above the drain outlet.

(f) The floor of the shower compartment shall slope uniformly to the drain, and the joint around the drain outlet shall be maintained in a water –tight condition.

(g) If urinals are installed in a toilet room designated for men only, a single urinal shall substitute for no more than one of every three required toilets.

(h) The floor space to a point one (1) foot (.305 meters) in front of a urinal lip and the wall to a point four (4) feet (1.2 meters) above the floor and at least one (1) foot (.305 meters) to each side of the urinal shall be maintained in a cleanable, noncorrosive, and waterproof condition.

AUTHORITY:
Note: Authority cited: Sections 17040(a) and 17050(a), Health and Safety Code. Reference: Sections 17021, 17040(a) and 17041(a), Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).
4. Amendment of section heading, text and Note filed 9–2–93 as an emergency; operative 9–2–93 (Register 93, No. 36). A Certificate of Compliance must be transmitted to OAL by 12–31–93 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1–12–94 order including amendment of subsections (b), (d)(1) and (d)(2) transmitted to OAL 12–1–93 and filed 1–12–94 (Register 94, No. 2).

§ 762. Identification

Toilets and bathing facilities shall be identified clearly marked for “MEN” or “WOMEN.” The use of the proper symbols will be permitted.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 764. Toilet and Bathing Separations

Existing toilet and bathing facilities shall be maintained in a separate room or building.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 766. Lavatories

(a) Prior Installations for Single Persons. Labor camps constructed, altered, or converted prior to February 22, 1973, which required one (1) lavatory for each thirty (30) occupants need not be changed. Where troughs were used, every twenty–four (24) inches (60.9 centimeters) of trough was considered equal to one (1) lavatory.

(b) Materials. The handwashing facilities shall be maintained and lined with waterproof material.

(c) Location. Lavatories shall be maintained adjacent to toilet facilities.

Note: Present Installations. Labor camps constructed, altered, or converted after February 22, 1973, shall provide at least one lavatory for each 10 occupants for each sex.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).
3. Amendment of subsection (b) filed 3–15–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 768. Clothes Washing Machine

Clothes washing machines shall be maintained to drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor or over the rim of a laundry tub or waste water may be disposed of using a method approved by the local health department.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 770. Water Supply

(a) The water supply system shall be maintained to provide the capacity required at the time the system was installed.

(b) The distribution lines shall be maintained leak free and capable of supplying the normal operating pressure to all fixtures.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 772. Drinking Water

(a) Potability. Potable drinking water shall be maintained for all employees.

(b) Tests. A water sample from the camp's supply shall be collected by the local health department for examination and their approval prior to the initial operation of the camp each year, when any major repair to or alteration of the water supply system has been made, or when the purity of the water is questioned by the enforcement agency. Approval of the results of the test shall be a requirement of occupancy.

(c) Availability. All exterior water supply faucets shall be suitably and conveniently placed and drainage shall not be allowed to flow upon the ground or to contaminate the source of water supply.

(d) Storage. Tanks or other receptacles used for the storage of water shall be maintained in a clean and sanitary condition and shall be covered so as to prevent contamination.

(e) Drinking Cups. The use of a common drinking cup is prohibited.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17021 and 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 774. Back Siphonage

Any water closet or other plumbing fixture shall be maintained to prevent siphonage of water back into the water supply.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 784. Sewage Disposal System

The underground sewage disposal system shall be maintained covered to remain insect and rodent tight. Waste liquids shall not be permitted to surface or pond.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17021 and 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 786. Underground Sewage Tanks

Underground septic tanks shall be maintained to be safe and structurally sound.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17021 and 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 788. Trap and Vent Maintenance

Traps and vents shall be maintained in good working order and all connections shall be water tight.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 790. Drain Inlet Cap

Open drain piping connection inlets shall be capped when not in use.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 792. Sanitary Drain Connection

Drain lines from all buildings and other housing accommodations in a labor camp shall be maintained in good working order and the connections to the sewage disposal system shall be water tight.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

Subarticle 6. Mechanical Systems

§ 800. Heat

In temporary and seasonal labor camps heating equipment is not required, except in shower rooms, unless it is found to be necessary in order to maintain a minimum mean temperature of seventy (70) degrees Fahrenheit (21.0 Celsius) during the period of occupancy. Official weather reports should be used to determine temperatures in any area.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 802. Mechanical Use

Heating, ventilating, cooling and refrigeration systems and appliances installed may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location is not hazardous to life, health, and property.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 804. Maintenance

All mechanical equipment, devices, and safeguards shall be maintained in good working order.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 806. Location of Liquefied Petroleum Gas Tanks

(a) No tank or cylinder shall be maintained within an enclosed housing accommodation, nor within five (5) feet (1.5 meters) of a source of ignition, nor with the outlet less than five (5) feet (1.5 meters) away from any building opening which is below the level of such outlet.

(b) No tank or cylinder shall be maintained or stored beneath any shed, structure, mobilehome, recreational vehicle, commercial coach, or other housing accommodation in a labor camp.

(c) Tanks shall be maintained to be separated from the nearest building, structure, mobilehome, recreational vehicle, commercial coach or other housing accommodations with a minimum clearance of ten (10) feet (3 meters) for tanks with a capacity of 61 to 576 gallons (230.5 to 2177.2 liters) and twenty–five (25) feet (7.5 meters) minimum clearance for tanks with a capacity of 576 to 2000 gallons (2177.2 to 7560 liters).

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 808. Tank Protection

L.P. Gas tanks located adjacent to driveways and parking areas shall be maintained to prevent mechanical damage.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 810. Warning Signs

No smoking warning sign(s) shall be maintained at all L.P. Gas tank locations.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 812. Tank Support

All L.P. Gas tanks shall be maintained on a firm pad or foundation.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 814. Prohibited Use of Connectors

Existing gas supply tubing and connectors shall be maintained and not extended through walls or partitions.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 816. Outlets to Be Capped

Gas supply outlets shall be maintained capped when not in use.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

Subarticle 7. Heating Appliances

§ 818. Use of Fuel

All existing fuel burning appliances and equipment shall be maintained and approved by the enforcing agency for the type of fuel supplied.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 820. Unvented Heaters

No unvented fuel burning heater shall be permitted to be used in a labor camp.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 822. Prohibited Use

Gas hot plates, cook stoves and ranges shall not be used as room heaters in a labor camp.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 824. Appliance Installation Instructions

All heating and air conditioning equipment shall be maintained according to the manufacturers installation instructions.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 826. Clearances for Existing Appliances Without Instructions

Clearances shall be maintained between the appliance and combustible materials as follows:

1. 36 inches (91.4 centimeters) for solid or liquid fuel fired Radiant Heaters, 12 inches (30.4 centimeters) for solid or liquid fuel fired circulating heaters, and six inches (15.2 centimeters) for gas fired circulating space heaters. Separations will be measured from the appliance jacket, sides, rear and from the single wall connector vent piping.

2. Space or room heaters burning gas, solid or liquid fuel when mounted on combustible flooring shall have at least four (4) inches (10.1 centimeters) of open space under the base of the appliance.

3. The combustible flooring under the appliance shall be protected with sheet metal of not less than 24 U.S. Gauge, extending six inches (15.2 centimeters) beyond the appliance on all sides, and where solid fuel is used shall extend not less than 18 inches (45.7 centimeters) at the front or side where the ashes are removed.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 828. Shut–Off Valve

All heating appliances supplied with gas or liquid fuel shall be maintained with a shut–off valve installed in the supply line immediately adjacent to the appliance.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 830. Clean Appliances

All heating and cooking appliances shall be clean and grease free. It is the employer/manager’s responsibility to see that the appliances in dwelling units are clean and grease free before occupancy by a new tenant.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.

HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 832. Appliance Vent Installation

(a) Appliance vent piping shall be maintained, connected to the appliance hood collar or draft diverter and extended without openings through protective flashing to a point above the roof.

(b) Appliance vent piping shall be maintained to be secured at each joint, properly graded and adequately supported.

(c) Appliances shall be maintained to be properly vented and shall not be vented into a fireplace or into a chimney serving a fireplace.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).
2. Amendment filed 3–15–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 834. Water Heater Relief Valves

Water heaters equipped with pressure–temperature relief valves shall be maintained with metal piping installed, undiminished in size, extending from the valve outlet to a point outside of the building not more than two feet (60.9 centimeters) nor less than six inches (15.2 centimeters) above the ground and pointing downward.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 836. Appliance Compartments

(a) Fuel burning heating appliance compartments shall be maintained structurally sound, and provide adequate combustion air through screened openings.

(b) Heating appliance compartments shall be maintained in a clean condition and not used for storage.

(c) Heating appliance compartments outside of buildings shall be maintained to protect the appliance from the weather.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 838. Secured Appliances

All heating appliances shall be maintained rigidly secured in place.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

Subarticle 8. Electrical Systems

§ 850. Electrical Systems Use

Electrical fixtures, equipment and other devices may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 852. Safeguards

All electrical equipment, devices, and safeguards shall be maintained in good working order.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 854. Wiring Methods and Materials

Electrical materials, devices, appliances fittings and equipment maintained in labor camps shall be approved for the purpose and shall be maintained to be connected and secured in an approved manner when in service.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 858. Overcurrent Protection

(a) Electrical conductors shall be maintained and protected by means of fuses or circuit breakers rated at not more than the allowable capacity of the conductors.

(b) Tampering. Overcurrent protection shall not be altered or tampered with.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 860. Weather Proof

The service equipment which is not rain tight shall be maintained and protected from the weather.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 862. Vertical Clearances

The minimum vertical clearance to be maintained for open electrical conductors are as follows:

(a) Above roofs—eight feet (2.4 meters).

(b) Above walkways and at attachment point of buildings—10 feet (3.0 meters).

(c) Above driveways and parking areas—15 feet (4.5 meters).

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 864. Conductors on Poles

Overhead electrical conductors located on poles and bracket supports shall be maintained and properly supported, secured, and routed to clear sharp objects, other conductors and tree branches.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 866. Grounding Fixed Equipment

Non–current carrying metal parts of fixed electrical equipment shall be maintained effectively grounded.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 868. Grounding of Cord Connected Equipment

Cord connected appliances, such as washing machines, dishwashers, garbage disposals, electrical system of gas ranges and furnaces and other equipment required to be grounded, shall be maintained to be grounded by means of an approved cord with a grounding conductor and a grounded type attachment plug.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 870. Grounded Convenience Outlet

Grounding type outlets located at the following locations shall be maintained in good working order:

(a) Adjacent to fixed appliances.

(b) For appliances located adjacent to lavatories, sinks, laundry tubs, or within reach of a grounded surface.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 872. Outlets in Habitable Rooms

At least one convenience outlet and one supplied electric light fixture shall be maintained in good working order in all habitable rooms.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 874. Lighting in Bath and Toilet Room

At least one supplied light fixture in good working order shall be maintained in all bathrooms and toilet rooms.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 878. Enclosed Light Fixture

The light fixtures located over a bathtub or in a shower compartment shall be maintained to be moisture proof and equipped with enclosure and enclosure gaskets in good condition.

AUTHORITY: § 878
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 880. Shower Light Switch

The switch for shower lighting fixtures or an exhaust fan which have been located over a tub or in a shower compartment shall be maintained outside of the tub space or the shower compartment in a dry location.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 882. Range Hood Light

The light fixtures located in or under a range hood shall be maintained to be grease and moisture proof with enclosure and enclosure gaskets maintained in good condition.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 884. Pullchain Switch

A pullchain switch shall not be maintained in a damp location, and not over or within reach of a plumbing fixture, cookstove, range, furnace, and other grounded surfaces.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 886. Exposed Nonmetallic Sheathed Cable

Exposed nonmetallic sheathed cable shall be maintained to be protected from physical and mechanical damage by running boards, guard–strips or installed in conduit.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 888. Cable Clamps

All loose nonmetallic sheathed cable shall be maintained to be secured in place by staples and straps at intervals which will not exceed 4 1/2 feet (1.3 meters) and within 12 inches (30.4 centimeters) from every cabinet, box, or fitting.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 890. Outlet Boxes

All electrical conductors shall be maintained to terminate in an approved outlet box or a junction box rigidly secured to the building or structure.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 892. Covers

Open outlet boxes, fittings and enclosures shall be maintained with covers. Openings not in use will be closed.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 894. Extension Cords

Extension cords shall not be maintained as a connection to electric light fixture sockets in order to energize appliances.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 896. Cord Wiring

Flexible cords shall not be maintained as a fixed wiring method or run through walls and partitions.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Section 17040, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

Subarticle 9. Use of Mobilehomes, Recreational Vehicles, Commercial Coaches, Mobilehome Accessory Buildings, Structures, Tents and Campgrounds

§ 900. Facilities

The facilities to accommodate tent campers, mobilehomes, recreational vehicles, and commercial coaches shall be maintained in conformance with the applicable requirements of Title 25, California Administrative Code, Part 1, Chapter 2, Subchapters 1 and 2.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17040 and 17041, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 902. Installation Requirements

All mobilehomes in a labor camp shall be maintained in accordance with the provisions of Title 25, California Administrative Code, Part 1, Chapter 2, Subchapters 1 and 2, as applicable.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17040 and 17041, Health and Safety Code.
HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 904. Insignia and/or Label Required

The mobilehomes constructed prior to June 15, 1976, recreational vehicles, and commercial coaches provided by the employer shall bear an insignia of approval issued by the Department of Housing and Community Development. The mobilehomes constructed on or after June 15, 1976, shall bear a label indicating compliance to the Federal Mobilehome Construction and Safety Standards.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17040 and 17041, Health and Safety Code.

HISTORY:
1. Editorial correction adding NOTE filed 11–18–82 (Register 82, No. 47).

§ 908. Alterations and Conversions

All mobilehomes required to bear a department insignia of approval and/or a Federal label shall be maintained in compliance with Title 25, California Administrative Code, Chapter 3, Subchapters 1 and 2. Prior to making any alteration or conversion, a permit shall be obtained from the department.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17040, Health and Safety Code. Reference: Sections 17040 and 17041, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 910. Tents

(a) The tents provided by the operator shall not be used to house occupants unless such tents are maintained with tight wooden floors raised at least four inches (10.1 centimeters) above the ground level and are equipped with baseboards on all sides to a height of at least six inches (15.2 centimeters) or maintained with concrete slabs with the finished surface at least four inches (10.1 centimeters) above grade and equipped with curbs on all sides at least six inches (15.2 centimeters) high.

(b) A tent shall not be considered a suitable sleeping place when it is found necessary to provide heating facilities in order to maintain a minimum temperature of 50 degrees Fahrenheit (10 degrees Celsius) within such tent during the period of occupancy.

AUTHORITY:
Note: Authority cited: Sections 17040, 17041 and 17050, Health and Safety Code. Reference: Sections 17040 and 17041, Health and Safety Code.
HISTORY:
1. Editorial correction filed 11–18–82 (Register 82, No. 47).
3. Amendment of subsection (b) and Note filed 8–20–92 as an emergency; operative 8–20–92 (Register 92, No. 34). A Certificate of Compliance must be filed with OAL 12–18–92 or emergency language will be repealed by operation of law on the following day.
4. Repealer of emergency amendment filed 8–20–92 and reinstatement of prior text filed 3–15–93 by operation of Government Code section 11346.1(f) (Register 93, No. 12).)

Article 7. Actions and Proceedings

§ 920. Actions and Proceedings

(a) Actions and proceedings of this subchapter shall be in accordance with Chapters 5 and 6 (commencing with Section 17050) of the Health and Safety Code.

(b) The enforcement agency may revoke without additional hearing the permit to operate or exemption of a labor camp whenever any judgment is rendered against the operator thereof concerning the operation of the labor camp.

(c) The enforcement agency may revoke without additional hearing the exemption of employee community housing whenever any judgment is rendered against the owner or operator thereof for not maintaining or operating such employee community housing in substantial compliance with relevant portions of these regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17040 and 17050, Health and Safety Code. Reference: Sections 17040, 17051, 17060.5 and 17061, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).
4. Repealer of subsection (d) filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

§ 922. Permit or Exemption Suspension

If any labor camp or employee community housing is not in substantial compliance with relevant use, occupancy, or maintenance provisions of the Employee Housing Act, this subchapter, or the conditions of the permit to operate, or exemption, the permit to operate or exemption may be suspended by the enforcement agency pursuant to the procedures in this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Section 17036, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Amendment filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). Certificate of Compliance included.
3. Editorial correction filed 11–18–82 (Register 82, No. 47).

§ 923. Authority to Serve Notices

Authority to serve notices required by this subchapter is provided in Section 17051 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Section 17051, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 924. Notice

The enforcement agency shall issue and serve upon the permittee or exemptee a notice setting forth in what respects the provisions of the Health and Safety Code, this subchapter or the conditions of the permit to operate or exemption have been violated, and shall notify him that unless these provisions have been complied with within five days, or within such longer period of time, not to exceed 30 days, which may be allowed by the enforcement agency from the date of notice, the permit to operate or exemption shall be suspended.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Sections 17036, 17051 and 17060, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 926. Service

The notice shall be served by posting at least one copy in a conspicuous place on the premises described in said permit or exemption, and by sending another copy by certified mail, postage prepaid, return receipt requested, to the person to whom the permit or exemption was issued at the permittee's or exemptee's address of record, or as otherwise designated on the permit or exemption. The notice may also be served by personal service at the discretion of the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Sections 17036 and 17051, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 928. Appeal

Any permittee or exemptee receiving a notice of suspension or revocation may request a hearing on the matter. The permittee or exemptee shall file a written petition with the enforcement agency within 10 days of the posting or service of such notice requesting such hearing and setting forth a brief statement of the grounds therefor.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Sections 17036 and 17051, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 930. Hearing

(a) Upon receipt of such petition, the enforcement agency within 10 days shall set a time and place for such hearing and shall give the petitioner a written notice thereof. The hearing shall be no less than 10 days or more than 20 days from service of this notice. At such hearing the petitioner shall be given the opportunity to show cause, if any, why the permit to operate or exemption should not be suspended or revoked.

(b) After such hearing the enforcement agency shall sustain, modify or withdraw the notice, depending upon its findings as to whether the applicable provisions of the Health and Safety Code and these regulations have been complied with. The enforcement agency shall keep a complete and exact record of all such hearings and shall furnish a copy thereof to the Department of Housing and Community Development.

(c) If the requirements of the notice have not been complied with on or before the expiration of the time permitted or allowed by the enforcement agency after posting or service of the notice, or a decision adverse to the operator has been issued as a result of the hearing, the enforcement agency shall suspend or revoke, as appropriate, the permit or exemption, or may extend the time allowed for compliance not to exceed an additional 30 days.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17036 and 17050, Health and Safety Code. Reference: Sections 17036, 17050 and 17051, Health and Safety Code.

HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of NOTE filed 11–18–82 (Register 82, No. 47).

§ 932. Reinstatement

(a) Prior to obtaining a new permit to operate or exemption, any person whose permit to operate or exemption has been suspended or revoked shall comply with all of the requirements of this subchapter.

(b) Any person operating a labor camp or employee community housing without a permit or exemption after suspension or revocation of the permit to operate or exemption shall be subject to prosecution for violation of Chapter 1, Part 1, Division 13 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Section 17036, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction of subsection (b) filed 11–18–82 (Register 82, No. 47).

Article 8. Penalties

§ 940. Penalties

Any violation of the provisions of this subchapter shall be considered a violation of the provisions of the Employee Housing Act subject to the penalties set forth in Section 17060, 17061 or 17061.5 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Sections 17036, 17060, 17061 and 17061.5, Health and Safety Code.
HISTORY:
1. Amendment filed 12–31–79 as an emergency; designated effective 1–1–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–1–80.
2. Editorial correction filed 11–18–82 (Register 82, No. 47).
3. Amendment filed 3–6–85; effective thirtieth day thereafter (Register 85, No. 10).

APPENDIX A

See Health and Safety Code, Division 13, Part 1 (Employee Housing Act) in this volume.
HISTORY
1. Editorial correction repealing Appendix A filed 11–18–82 (Register 82, No. 47).

Laws and Regulations
2014 Edition

Employee Housing Act — Miscellaneous Statutes

Government Code
Health and Safety Code
Labor Code
Public Resources Code
Public Utilities Code

EMPLOYEE HOUSING ACT—MISCELLANEOUS STATUTES

EMPLOYEE HOUSING ACT—MISCELLANEOUS STATUTES

GOVERNMENT CODE

TITLE 4 Government of Cities

Division 3 OFFICERS

Part 2 LEGISLATIVE BODY

Chapter 14 MUNICIPAL AND PUBLIC UTILITIES

Article 1 General

§ 39730. Separate metering

The legislative body shall require every residential unit in an apartment house or similar multiunit residential structure, condominium, and mobilehome park for which a building permit has been obtained on or after July 1, 1982, other than a dormitory or other housing accommodation provided by any postsecondary educational institution for its students or employees and other than farmworker housing, to be individually metered for electrical and gas service, except that separate metering for gas service is not required for residential units which are not equipped with gas appliances requiring venting or which receive the majority of energy used for water or space heating from a solar energy system or through cogeneration technology.

Added Stats 1981 ch 701 § 1.

TITLE 5 Local Agencies

Division 1 CITIES AND COUNTIES

Part 1 POWERS AND DUTIES COMMON TO CITIES AND COUNTIES

Chapter 7 AGRICULTURAL LAND

Article 2 Declaration

§ 51220. Legislative findings

The Legislature finds:

(a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.

(b) That the agricultural work force is vital to sustaining agricultural productivity; that this work force has the lowest average income of any occupational group in this state; that there exists a need to house this work force of crisis proportions which requires including among agricultural uses the housing of agricultural laborers; and that such use of agricultural land is in the public interest and in conformity with the state's Farmworker Housing Assistance Plan.

(c) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontiguous urban development patterns which unnecessarily increase the costs of community services to community residents.

(d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

(f) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.

Added Stats 1965 ch 1443 § 1. Amended Stats 1968 ch 1138 § 1; Stats 1969 ch 1473 § 4; Stats 1980 ch 1219 § 1.

§ 51220.5. Legislative findings and declarations; Compatible uses

The Legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area. For this reason, cities and counties shall determine the types of uses to be deemed "compatible uses" in a manner which recognizes that a permanent or temporary population increase often hinders or impairs agricultural operations.

Added Stats 1986 ch 607 § 3.

§ 51221. Declaration as to expenditure of public funds; Purpose and necessity

The Legislature further declares that the expenditure of public funds under the provisions of this chapter is in the public interest and is necessary to the accomplishment of the purposes herein set forth.

Added Stats 1965 ch 1443 § 1.

§ 51222. Legislative declaration regarding retention of agricultural land in parcels large enough to sustain agricultural use

The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

Added Stats 1984 ch 1111 § 1. Amended Stats 1985 ch 788 § 1; Stats 1990 ch 841 § 3 (AB 2764).

§ 51223. Use or development permitted on land subject to open-space contract or subject to open-space easement agreement; Contracts; Petition for rescission

(a) A city council or board of supervisors, as the case may be, shall, prior to rescinding a contract for the purpose of restricting the same land by an open-space contract pursuant to Section 51254 or by entering to an open-space agreement pursuant to Section 51255, determine that the parcel or parcels are large enough to provide open-space benefits, by providing habitat for wildlife, or preserving its natural characteristics, beauty, or openness for the benefit and enjoyment of the public.

(b) Uses or development permitted on land subject to an open-space contract, or subject to an open-space easement agreement pursuant to Section 51255, shall satisfy one or both of the following:

(1) Comply with the provisions of Section 51238.1 or 51238.2.

(2) Consist of, cause, facilitate, or benefit one or more open-space uses on the land.

(c) If an open-space contract is executed pursuant to Section 51205, or if a contract is rescinded for the purpose of restricting the same land by an open-space contract pursuant to Section 51254, or an open-space easement agreement pursuant to Section 51255, either of the following shall apply:

(1) The resulting open-space contract shall not permit new development during the period the contract is in effect, except that uses compatible with or related to the open-space uses would be permitted.

(2) The resulting open-space easement agreement shall not permit new development during the time equal to the time remaining on the contract at the time of its rescission, except that uses compatible with, or related to, the open-space uses would be permitted.

(d) For the purposes of this section, agriculture and uses compatible with agriculture are compatible with open-space uses, unless otherwise provided by local rules or ordinances.

(e) A board or council shall not accept or approve a petition for rescission pursuant to Sections 51254 or 51255 if the city or county, within which the land for which the rescission is sought is located, has discovered or received notice of a likely material breach on the land pursuant to the process specified in Section 51250, unless the rescission is a part of the process specified in Section 51250.

Added Stats 2008 ch 503 § 2 (AB 2921), effective January 1, 2009.

Article 2.5 Agricultural Preserves

§ 51230.2. When landowner may subdivide

(a) Except as provided in Section 51238, and notwithstanding Section 51222 or 66474.4, a landowner may subdivide land that is currently designated as an agricultural preserve if all of the following apply:

(1) The parcel to be sold or leased is no more than five acres.

(2) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner.

(3) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to agricultural laborer housing facilities for not less than 30 years. That deed restriction shall also require that parcel to be merged with the parcel from which it was subdivided when the parcel ceases to be used for agricultural laborer housing.

(4) There is a written agreement between the parties to the sale or lease and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the contract executed pursuant to Article 3 (commencing with Section 51240).

(5) The parcel to be sold or leased is (A) within a city or (B) in an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses.

(b) The agricultural labor housing project shall be designed to abate, to the extent practicable, impacts on adjacent landowners' agricultural husbandry practices. The final plan for the housing shall include an addendum that explains what features will be included to meet this goal.

(c) A subdivision of land pursuant to this section shall not affect any contract executed pursuant to Article 3 (commencing with Section 51240). The parcel to be sold or leased shall remain subject to that contract.

Added Stats 1999 ch 967 § 1 (AB 1505).

§ 51231. Rules; Application fee

For the purposes of this chapter, the board or council, by resolution, shall adopt rules governing the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish agricultural preserves. Rules related to compatible uses shall be consistent with the provisions of Section 51238.1. Those rules shall be applied uniformly throughout the preserve. The board or council may require the payment of a reasonable application fee. The same procedure that is required to establish an agricultural preserve shall be used to disestablish or to enlarge or diminish the size of an agricultural preserve. In adopting rules related to compatible uses, the board or council may enumerate those uses, including agricultural laborer housing which are to be considered to be compatible uses on contracted lands separately from those uses which are to be considered to be compatible uses on lands not under contract within the agricultural preserve.

Added Stats 1969 ch 1372 § 8. Amended Stats 1978 ch 1120 § 3; Stats 1980 ch 764 § 1, ch 1219 § 2; Stats 1994 ch 1251 § 3 (AB 2663); Stats 1995 ch 686 § 1.5 (SB 660), effective October 10, 1995, operative January 1, 1996.

TITLE 7 Planning and Land Use

Division 1 PLANNING AND ZONING

Chapter 3 LOCAL PLANNING

Article 5 Authority For And Scope Of General Plans

§ 65302.9. Amendment of general plan; Properties in undetermined risk area; Collaboration; Implementation; Application; Construction

(a) Within 24 months of July 2, 2013, each city and county within the Sacramento-San Joaquin Valley shall amend its general plan to contain all of the following:

(1)(A) The data and analysis contained in the Central Valley Flood Protection Plan pursuant to Section 9612 of the Water Code, including, but not limited to, the locations of the facilities of the State Plan of Flood Control and the locations of the real property protected by those facilities.

(B) The locations of flood hazard zones, including, but not limited to, locations mapped by the Federal Emergency Management Agency Flood Insurance Rate Map or the Flood Hazard Boundary Map, locations that participate in the National Flood Insurance Program, locations of undetermined risk areas, and locations mapped by a local flood agency or flood district.

(2) Goals, policies, and objectives, based on the data and analysis identified pursuant to paragraph (1), for the protection of lives and property that will reduce the risk of flood damage.

(3) Feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to paragraph (2).

(b) An undetermined risk area shall be presumed to be at risk during flooding that has a 1-in-200 chance of occurring in any given year unless deemed otherwise by the State Plan of Flood Control, an official National Flood Insurance Program rate map issued by the Federal Emergency Management Agency, or a finding made by a city or county based on a determination of substantial evidence by a local flood agency.

(c) To assist each city or county in complying with this section, the Central Valley Flood Protection Board, the

Department of Water Resources, and local flood agencies shall collaborate with cities or counties by providing them with information and other technical assistance.

(d) In implementing this section, each city and county, both general law and charter, within the Sacramento-San Joaquin Valley, shall comply with this article, including, but not limited to, Sections 65300.5, 65300.7, 65300.9, and 65301.

(e) Notwithstanding any other law, this section shall apply to all cities, including charter cities, and counties within the Sacramento-San Joaquin Valley. The Legislature finds and declares that flood protection in the Sacramento and San Joaquin Rivers drainage areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

(f) This section shall not be construed to limit or remove any liability of a city or county prior to the amendment of the general plan except as provided in Section 8307 of the Water Code.

Added Stats 2007 ch 364 § 2 (SB 5), effective January 1, 2008. Amended Stats 2012 ch 553 § 2 (SB 1278), effective January 1, 2013.

Article 10.6 Housing Elements

§ 65583. Housing element components

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factorybuilt housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13

(commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph

(1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b)(1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article

5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in subdivision (b) of Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating

jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the

continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

Added Stats 1980 ch 1143 § 3. Amended Stats 1984 ch 1691 § 3, effective September 30, 1984; Stats 1986 ch 1383 § 2; Stats 1989 ch 1140 § 2, ch 1451 § 1.5; Stats 1991 ch 730 § 1 (AB 1929), ch 889 § 2 (SB 1019); Stats 1992 ch 1030 § 2 (SB 1807); Stats 1999 ch 967 § 5 (AB 1505); Stats 2001 ch 671 § 2 (SB 520); Stats 2002 ch 971 § 6 (SB 1468); Stats 2004 ch 227 § 57 (SB 1102), effective August 16, 2004; Stats 2004 ch 724 § 1 (AB 2348); Stats 2005 ch 614 § 1 (AB 1233), effective January 1, 2006.; Stats 2006 ch 891 §§ 2, 1.5 (AB 2634), effective January 1, 2007, Stats 2007 ch 633 § 3 (SB 2), effective January 1, 2008; Stats 2008 ch 728 § 7 (SB 375), effective January 1, 2009; Stats 2009 ch 467 § 3.5 (AB 720), effective January 1, 2010; Stats 2010 ch 507§ 1.5 (SB 812), effective January 1, 2011.

§ 65589.5. Housing Accountability Act; Legislative findings; Prerequisites to local government's or agency's rejection or disapproval of affordable housing developments or emergency shelters; Rights and duties of local agencies; Charter cities; Burden of proof; Writ

(a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-

income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of

the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing

units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

Added Stats 1982 ch 1438 § 2. Amended Stats 1990 ch 1439 § 1 (SB 2011); Stats 1991 ch 100 § 1 (SB 162), effective July 1, 1991; Stats 1992 ch 1356 § 1 (SB 1711); Stats 1994 ch 896 § 2 (AB 3735); Stats 1999 ch 968 § 6 (SB 948); Stats 2001 ch 237 § 1 (AB 369); Stats 2002 ch 147 § 1 (SB 1721); Stats 2003 ch 793 § 3 (SB 619); Stats 2004 ch 724 § 4 (AB 2348); Stats 2005 ch 601 § 1 (SB 575), effective January 1, 2006.; Stats 2006 ch 888 §§ 5, 5.5 (AB 2511), effective January 1, 2007; Stats 2007 ch 633 § 4 (SB 2), effective January 1, 2008.

Chapter 4 REQUIREMENTS

Article 1 General

§ 66474.5. Denial of approval of tentative map for subdivisions located within flood hazard zone; Effective date of amendments; Construction

(a) Notwithstanding any other ~~provision of~~ law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of each city and county within the Sacramento-San Joaquin Valley shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, for any subdivision that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(4) The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) ~~Nothing in this~~ This section shall be construed to change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

Added Stats 2007 ch 364 § 6 (SB 5), effective January 1, 2008. Amended Stats 2013 ch 246 § 2 (AB 1259), effective January 1, 2014.

HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 2.4 CAMPS

§ 18897. "Organized camp"

(a) "Organized camp" means a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year.

(b) The term "organized camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp and does not include a child care institution or home-finding agency..

(c) The term "organized camp" also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.

Added Stats 1961 ch 1929 § 1. Amended Stats 1963 ch 278 § 9; Stats 1979 ch 342 § 1, effective July 27, 1979; Stats 2008 ch 664 § 18 (AB 2016), effective January 1, 2009.

§ 18897.2. Adoption of rules and regulations by Director of Public Health

(a) Except as provided in Section 18930, the Director of Public Health shall adopt, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps that the director determines are necessary to protect the health and safety of the campers. Organized camps also shall comply with the building standards of the jurisdiction in which the camp is located, to the extent that those standards are not contrary to, or inconsistent with, the building standards adopted by the Director of Public Health. The Director of Public Health shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The State Department of Public Health shall enforce building standards published in the State Building Standards Code relating to organized camps and such other rules and regulations adopted by such director pursuant to the provisions of this section as the director determines are necessary to protect the health and safety of campers. In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and in adopting such other rules and regulations pursuant to the provisions of this section, the Director of Public Health shall consider the Camp Standards of the American Camping Association.

(b) The Director of Public Health shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and shall adopt such other rules and regulations pursuant to the provisions of this section establishing minimum standards for intermittent short-term organized camps operated by a city or a county as the director deems necessary to protect the health and safety of campers. For purposes of this subdivision, "intermittent short-term organized camps" means a site for camping by any group of people for a period of not more than 72 consecutive hours for that group.

Added Stats 1961 ch 1929 § 1. Amended Stats 1967 ch 1552 § 1; Stats 1971 ch 1593 § 202, operative July 1, 1973; Stats 1977 ch 1252 § 302, operative July 1, 1978; Stats 1979 ch 342 § 2, effective July 27, 1979, ch 1152 § 156; Stats 1980 ch 676 § 167; Stats 1988 ch 951 § 1; Stats 2008 ch 664 § 19 (AB 2016), effective January 1, 2009.

§ 18897.4. Enforcement of building standards by local health officers

Every local health officer shall enforce within his or her jurisdiction the building standards published in the State Building Standards Code relating to organized camps and the other rules and regulations adopted by the Director of Public Health pursuant to Section 18897.2.

Added Stats 1961 ch 1961 ch 1929 § 1, as H & S C § 18897.3. Renumbered by Stats 1967 ch 1552 § 2. Amended Stats 1979 ch 1152 § 158; Stats 2008 ch 664 § 20 (AB 2016), effective January 1, 2009.

§ 18897.6. Limitation of regulation of camps

Organized camps shall not be subject to regulation by any state agency other than the State Department of Public Health, California regional water quality control boards, the State Water Resources Control Board, and the State Fire Marshal; provided, that this section shall not affect the authority of the Department of Industrial Relations to regulate the wages or hours of employees of organized camps and this section shall not be construed to limit the application of building standards published in the State Building Standards Code to structures in organized camps.

Added Stats 1961 ch 1929 § 1, as H & S C § 18897.5. Amended and renumbered by Stats 1967 ch 1552 § 5. Amended Stats 1970 ch 200 § 1; Stats 1971 ch 1593 § 203, operative July 1, 1973; Stats 1977 ch 1252 § 303, operative July 1, 1978; Stats 1979 ch 1152 § 160; Stats 2008 ch 664 § 21 (AB 2016), effective January 1, 2009.

Division 104 ENVIRONMENTAL HEALTH

Part 12 DRINKING WATER

FOR DISPOSITION OF FORMER PROVISIONS OF THE
HEALTH AND SAFETY CODE RELATING TO THE PUBLIC HEALTH, SEE THE
TABLE AT THE BEGINNING OF THIS VOLUME.

Chapter 4 CALIFORNIA SAFE DRINKING WATER ACT

Article 3 Operations

§ 116395. Training workshops for local health officers; Evaluation of small public water systems

(a) The Legislature finds and declares all of the following:

(1) The large water system testing program has discovered chemical contamination of the state's drinking water with increasing frequency.

(2) A significant number of California residents rely on the state's small water systems to provide their water.

(3) The small systems, because they tend to be located in outlying rural areas where pesticide use is prevalent, and because they draw their water from shallow aquifers, face a serious threat of contamination.

(4) Unchecked water sources that may be contaminated pose a potentially serious threat to the health of the citizens of California, particularly those living in outlying rural areas.

(5) It is in the interest of all Californians that a testing program for small public water systems be implemented and carried out as expeditiously as possible.

(b) For purposes of this section, "small public water system" means a system with 200 connections or less, and is one of the following:

(1) A community water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents.

(2) A state small water system.

(3) A noncommunity water system such as a school, labor camp, institution, or place of employment, as designated by the department.

(c) The department shall conduct training workshops to assist health officers in evaluation of small public water systems for organic chemical contamination, and in sampling and testing procedures. The department shall, at a minimum, provide health officers with guidelines for evaluating systems and instructions for sampling.

(d) The department shall develop a schedule for conduct of the programs by the local health officers. The schedule shall establish a program to address first those systems with the most serious potential for contamination. The department shall enter into agreements with the local health agencies to conduct the necessary work to be performed pursuant to the schedule. The department shall begin the program no later than three months after September 19, 1985. All local health officers shall complete the evaluation, sampling, testing, review of sampling results, and notification to the public water systems within their jurisdiction in accordance with the agreements entered into with the department and within the schedule established by the department. All work required by this section shall be completed within three years after September 19, 1985.

(e) In consultation with the department, the local health officer shall conduct an evaluation of all small public water systems under their jurisdictions to determine the potential for contamination of groundwater sources by organic chemicals. The evaluation shall include, but not be limited to:

(1) A review of the historical water quality data of each system to determine possible evidence of degradation.

(2) A review, to be coordinated with the State Water Resources Control Board, and the California regional water quality control boards, of past and present waste disposal practices that may potentially affect the respective well water supply.

(3) A review of other organic chemicals used in the water supply area that have potential health risks and that may have the potential for contaminating drinking water supplies because of environmental persistence or resistance to natural degradation under conditions existing in California.

(f) Based upon the evaluation of each system, the local health officers shall develop a sampling plan for each system within their jurisdiction. The health officer shall collect samples in accordance with the plan and shall submit the samples for analysis to a certified laboratory designated by the department. When applicable, the laboratory shall test water samples using the Environmental Protection Agency's 13 approved analytical techniques established under subdivision (h) of Section 304 of the Clean Water Act to qualitatively identify the complete range of contaminants in the same class as the specific contaminant or class of contaminants being analyzed.

(g) Within 10 days of the receipt from the laboratory of the testing results, the local health officer shall notify the small public water system, the department and the California regional water quality control board for that region of the results.

(h) Following a review of the testing results, the local health officer may order the public water system to conduct

a periodic water sampling and analysis program in accordance with conditions specified by the local health officer. The department shall provide ongoing advice and assistance to local health officers in interpreting test results and determining appropriate notification and followup activities in those instances where contaminants are found.

(i) This section shall be operative during any fiscal year only if the Legislature appropriates sufficient funds to pay for all state–mandated costs to be incurred by local agencies pursuant to this section during that year.

Added Stats 1995 ch 415 § 6 (SB 1360).

LABOR CODE

Division 2 EMPLOYMENT REGULATION AND SUPERVISION

Part 6 LICENSING

Chapter 3 FARM LABOR CONTRACTORS

§ 1682. Definitions

As used in this chapter:

(a) "Person" includes any individual, firm, partnership, association, limited liability company, or corporation.

(b) "Farm labor contractor" designates any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and who, for a fee, provides in connection therewith one or more of the following services: furnishes board, lodging, or transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to these persons.

(c) "License" means a license issued by the Labor Commissioner to carry on the business, activities, or operations of a farm labor contractor under this chapter.

(d) "Licensee" means a farm labor contractor who holds a valid and unrevoked license under this chapter.

(e) "Fee" shall mean (1) the difference between the amount received by a labor contractor and the amount paid out by him or her to persons employed to render personal services to, for or under the direction of a third person; (2) any valuable consideration received or to be received by a farm labor contractor for or in connection with any of the services described above, and shall include the difference between any amount received or to be received by him or her, and the amount paid out by him or her, for or in connection with the rendering of such services.

Added Stats 1951 ch 1746 § 2. Amended Stats 1955 ch 1834 § 1. Amended Stats 1994 ch 1010 § 183 (SB 2053).

§ 1682.8. Enforcement unit

The Labor Commissioner may establish and maintain a Farm Labor Contractor Special Enforcement Unit within the Division of Labor Standards Enforcement office in Fresno of the Department of Industrial Relations for the hiring of additional agents to enforce the provisions of this chapter by revoking, suspending, or refusing to renew farm labor contractors' licenses pursuant to Section 1690.

Added Stats 2000 ch 917 § 1 (AB 1338).

§ 1690. Grounds for revocation, suspension or refusal to renew

The Labor Commissioner may revoke, suspend, or refuse to renew any license when it is shown that any of the following have occurred:

(a) The licensee or any agent of the licensee has violated or failed to comply with any of the provisions of this chapter.

(b) The licensee has made any misrepresentations or false statements in his or her application for a license.

(c) The conditions under which the license was issued have changed or no longer exist.

(d) The licensee, or any agent of the licensee, has violated, or has willfully aided or abetted any person in the violation of, or failed to comply with, any law of the State of California regulating the employment of employees in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business, activities, or operations of the licensee in his or her capacity as a farm labor contractor.

(e) The licensee, or any agent of the licensee, has failed to comply with any provisions of the Vehicle Code pertaining to a farm labor vehicle, as described in Sections 322 and 323 of the Vehicle Code, under the licensee's control, or has allowed a farm labor vehicle under his or her control to be operated by a driver without a valid driver's license and certificate required pursuant to Section 12519 of the Vehicle Code.

(f) The licensee has been found, by a court or the Secretary of Labor, to have violated any provision of the federal Migrant and Seasonal Agricultural Worker Protection Act (Chapter 20 (commencing with Section 1801), Title 29, United States Code), provided that the licensee is required to register as a farm labor contractor pursuant to federal law.

Added Stats 1951 ch 1746 § 2. Amended Stats 1974 ch 1447 § 2, effective September 26, 1974; Stats 1976 ch 803 § 2; Stats 1988 ch 1000 § 2.

§ 1696. Prohibitions

No Licensee shall:

(1) Make any misrepresentation or false statement in his application for a license.

(2) Make or cause to be made, to any person, any false, fraudulent, or misleading representation, or publish or circulate or cause to be published or circulated any false, fraudulent, or misleading information concerning the terms

or conditions or existence of employment at any place or places, or by any person or persons, or of any individual or individuals.

(3) Send or transport any worker to any place where the labor contractor knows a strike or lockout exists, without notifying the worker that such conditions exist.

(4) Do any act in his capacity as a farm labor contractor, or cause any act to be done, which constitutes a crime involving moral turpitude, or the effect of which causes any act to be done which constitutes a crime involving moral turpitude under any law of the State of California.

Added Stats 1951 ch 1746 § 2.

§ 1696.8. Establishment of contractor enforcement unit

(a) The director shall establish a Farm Labor Contractor Enforcement Unit. The unit shall develop a program to provide technical assistance to a district attorney's office that establishes a local farm labor contractor enforcement unit. A local farm labor contractor enforcement unit established pursuant to this section shall, whenever possible, coordinate its enforcement efforts with the Rural Crime Prevention Program in its jurisdiction, if any, established pursuant to Section 14171 of the Penal Code. Any funds appropriated to the department for purposes of this section shall be administered and allocated by the director.

(b) A local farm labor contractor enforcement unit that receives technical assistance pursuant to this section shall concentrate enhanced prosecution efforts and resources on the prosecution of farm labor contractors who violate a state law regulating wages. For purposes of this subdivision, "enhanced prosecution efforts and resources" include, but are not limited to, all of the following:

(1) "Vertical" prosecutorial representation, whereby the prosecutor who makes the initial filing or appearance performs all subsequent court appearances on a particular case through its conclusion, including the sentencing phase.

(2) Assignment of highly qualified investigators and prosecutors to farm labor enforcement cases.

(3) Significant reduction of caseloads for investigators and prosecutors assigned to farm labor enforcement cases.

Added Stats 2001 ch 157 § 4 (AB 423).

§ 1697. Violation as misdemeanor; Action for injunctive relief or enforcement of bond; Fine or imprisonment

(a) Any person who violates this chapter, or who causes or induces another to violate this chapter, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or imprisonment in the county jail for not more than six months, or both.

(b) Any employee aggrieved by any violation of this chapter, other than acts and conduct also proscribed by Sections 1153, 1154, and 1155, may do all of the following:

(1) Bring a civil action for injunctive relief or damages, or both, against a farm labor contractor or unlicensed farm labor contractor who violates this chapter and, upon prevailing, shall recover reasonable attorney's fees.

(2) Enforce the liability on the farm labor contractor's bond.

(c) Any farm labor contractor who engages in farm labor contracting activities after his or her license has been suspended or revoked is guilty of an offense punishable by a fine of not less than one thousand dollars ($1,000) and not more than five thousand dollars ($5,000), or by imprisonment for not less than six months and not more than one year, or both.

Added Stats 1951 ch 1746 § 2. Amended Stats 1976 ch 803 § 4; Stats 1982 ch 517 § 305; Stats 1983 ch 1092 § 212, effective September 27, 1983, operative January 1, 1984; Stats 1988 ch 1000 § 5.

PUBLIC RESOURCES CODE

Division 13 ENVIRONMENTAL QUALITY

Chapter 2.6 GENERAL

§ 21080.10. Applicability of division

This division does not apply to any of the following:

(a) An extension of time, granted pursuant to Section 65361 of the Government Code, for the preparation and adoption of one or more elements of a city or county general plan.

(b) Actions taken by the Department of Housing and Community Development or the California Housing Finance Agency to provide financial assistance or insurance for the development and construction of residential housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, if the project that is the subject of the application for financial assistance or insurance will be reviewed pursuant to this division by another public agency.

Added Stats 1980 ch 1154 § 17.5, effective September 29, 1980. Amended Stats 1984 ch 1009 § 40; Stats 1985 ch 172 § 1; Stats 1994 ch 1058 § 1 (AB 3373). Amended Stats 2001 ch 237 § 3 (AB 369); Stats 2002 ch 1039 § 8 (SB 1925).

§ 21080.12. (Repealed July 1, 2016) Applicability of division; Lead agency actions

(a) This division does not apply to the repair of critical levees of the State Plan for Flood Control specified pursuant to Section 8361 of the Water Code within an existing levee footprint to meet standards of public health and safety funded pursuant to Section 5096.821, except as otherwise provided in Section 15300.2 of Title 14 of the California Code of Regulations.

(b) For purposes of undertaking urgent levee repairs, the lead agency shall do all of the following:

(1) Conduct outreach efforts in the vicinity of the project to ensure public awareness of the proposed repair work prior to approval of the project.

(2) To the extent feasible, comply with standard construction practices, including, but not limited to, any rules, guidelines, or regulations adopted by the applicable air district for construction equipment and for control of particulate matter emissions.

(3) To the extent feasible, use equipment powered by emulsified diesel fuel, electricity, natural gas, or ultralow sulfur diesel as an alternative to conventional diesel-powered construction equipment.

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

Added Stats 2006 ch 31 § 1 (AB 1039), effective January 1, 2007, repealed January 1, 2016, approved by voters, Prop. 1E, operative November 8, 2006.

§ 21080.14. (Repealed January 1, 2016) Applicability of division; Applicability of session; Notice

(a) This division does not apply to the closure of a railroad grade crossing by order of the Public Utilities Commission, pursuant to the commission's authority under Chapter 6 (commencing with Section 1201) of Part 1 of Division 1 of the Public Utilities Code, if the commission finds the crossing to present a threat to public safety.

(b) This section shall not apply to any crossing for high-speed rail, as defined in subdivision (c) of Section 185012 of the Public Utilities Code, or any crossing for any project carried out by the High-Speed Rail Authority, as described in Section 185020 of the Public Utilities Code, or a successor agency.

(c)(1) Whenever a state agency determines that a project is not subject to this division pursuant to this section, and it approves or determines to carry out the project, the state agency shall file a notice with the Office of Planning and Research in the manner specified in subdivisions (b) and (c) of Section 21108.

(2) Whenever a local agency determines that a project is not subject to this division pursuant to this section, and it approves or determines to carry out the project, the local agency shall file a notice with the Office of Planning and Research and with the county clerk in each county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21152.

(d) 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.

Added Stats 2012 ch 721 § 1 (AB 1665), effective January 1, 2013, repealed January 1, 2016.

Former Section: Former Pub Res C § 21080.14, relating to exempt seismic retrofit projects, was added Stats 2006 ch 31 § 2 (AB 1039), effective January 1, 2007, approved by voters, Prop. 1B, operative November 8, 2006, and repealed June 30, 2010 by its own terms.

§ 21080.16. [Section repealed 2011.]

Added Stats 2006 ch 31 § 3 (AB 1039), effective January 1, 2007, approved by voters, Prop. 1B, operative November 8, 2006, repealed January 1, 2011, by its own terms. The repealed section related to exempt seismic retrofit bridge project

Chapter 4.5 STREAMLINED ENVIRONMENTAL REVIEW

Article 6 Special Review Of Housing Projects

§ 21159.26. Reduction in number of proposed units as mitigation measure or project alternative prohibited

With respect to a project that includes a housing development, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation. This section does not affect any other requirement regarding the residential density of that project.

Added Stats 2002 ch 1039 § 12 (SB 1925).

Division 15 ENERGY CONSERVATION AND DEVELOPMENT

Chapter 5 ENERGY RESOURCES CONSERVATION

§ 25402. Reduction of wasteful consumption of energy; Water efficiency and conservation standards

The commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including the energy associated with the use of water:

(a)(1) Prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings. The commission shall periodically update the standards and adopt any revision that, in its judgment, it deems necessary. Six months after the commission certifies an energy conservation manual pursuant to subdivision (c) of Section 25402.1, no city, county, city and county, or state agency shall issue a permit for any building unless the building satisfies the standards prescribed by the commission pursuant to this subdivision or subdivision (b) that are in effect on the date an application for a building permit is filed. Water efficiency standards adopted pursuant to this subdivision shall be demonstrated by the commission to be necessary to save energy.

(2) Prior to adopting a water efficiency standard for residential buildings, the Department of Housing and Community Development and the commission shall issue a joint finding whether the standard (A) is equivalent or superior in performance, safety, and for the protection of life, health, and general welfare to standards in Title 24 of the California Code of Regulations and (B) does not unreasonably or unnecessarily impact the ability of Californians to purchase or rent affordable housing, as determined by taking account of the overall benefit derived from water efficiency standards. Nothing in this subdivision in any way reduces the authority of the Department of Housing and Community Development to adopt standards and regulations pursuant to Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code.

(3) Water efficiency standards and water conservation design standards adopted pursuant to this subdivision and subdivision (b) shall be consistent with the legislative findings of this division to ensure and maintain a reliable supply of electrical energy and be equivalent to or superior to the performance, safety, and protection of life, health, and general welfare standards contained in Title 24 of the California Code of Regulations. The commission shall consult with the members of the coordinating council as established in Section 18926 of the Health and Safety Code in the development of these standards.

(b)(1) Prescribe, by regulation, energy and water conservation design standards for new residential and new nonresidential buildings. The standards shall be performance standards and shall be promulgated in terms of energy consumption per gross square foot of floorspace, but may also include devices, systems, and techniques required to conserve energy and water. The commission shall periodically review the standards and adopt any revision that, in its judgment, it deems necessary. A building that satisfies the standards prescribed pursuant to this subdivision need not comply with the standards prescribed pursuant to subdivision (a). Water conservation design standards adopted pursuant to this subdivision shall be demonstrated by the commission to be necessary to save energy. Prior to adopting a water conservation design standard for residential buildings, the Department of Housing and Community Development and the commission shall issue a joint finding whether the standard (A) is equivalent or superior in performance, safety, and for the protection of life, health, and general welfare to standards in the California Building Standards Code and (B) does not unreasonably or unnecessarily impact the ability of Californians to purchase or rent affordable housing, as determined by taking account of the overall benefit derived from the water conservation design standards. Nothing in this subdivision in any way reduces the authority of the Department of Housing and Community Development to adopt standards and regulations pursuant to Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code.

(2) In order to increase public participation and improve the efficacy of the standards adopted pursuant to subdivisions (a) and (b), the commission shall, prior to publication of the notice of proposed action required by Section 18935 of the Health and Safety Code, involve parties who would be subject to the proposed regulations in public meetings regarding the proposed regulations. All potential affected parties shall be provided advance notice of these meetings and given an opportunity to provide written or oral comments. During these public meetings, the commission

shall receive and take into consideration input from all parties concerning the parties' design recommendations, cost considerations, and other factors that would affect consumers and California businesses of the proposed standard. The commission shall take into consideration prior to the start of the notice of proposed action any input provided during these public meetings.

(3) The standards adopted or revised pursuant to subdivisions (a) and (b) shall be cost-effective when taken in their entirety and when amortized over the economic life of the structure compared with historic practice. When determining cost-effectiveness, the commission shall consider the value of the water or energy saved, impact on product efficacy for the consumer, and the life cycle cost of complying with the standard. The commission shall consider other relevant factors, as required by Sections 18930 and 18935 of the Health and Safety Code, including, but not limited to, the impact on housing costs, the total statewide costs and benefits of the standard over its lifetime, economic impact on California businesses, and alternative approaches and their associated costs.

(c)(1) Prescribe, by regulation, standards for minimum levels of operating efficiency, based on a reasonable use pattern, and may prescribe other cost-effective measures, including incentive programs, fleet averaging, energy and water consumption labeling not preempted by federal labeling law, and consumer education programs, to promote the use of energy and water efficient appliances whose use, as determined by the commission, requires a significant amount of energy or water on a statewide basis. The minimum levels of operating efficiency shall be based on feasible and attainable efficiencies or feasible improved efficiencies that will reduce the energy or water consumption growth rates. The standards shall become effective no sooner than one year after the date of adoption or revision. No new appliance manufactured on or after the effective date of the standards may be sold or offered for sale in the state, unless it is certified by the manufacturer thereof to be in compliance with the standards. The standards shall be drawn so that they do not result in any added total costs for consumers over the designed life of the appliances concerned.

In order to increase public participation and improve the efficacy of the standards adopted pursuant to this subdivision, the commission shall, prior to publication of the notice of proposed action required by Section 18935 of the Health and Safety Code, involve parties who would be subject to the proposed regulations in public meetings regarding the proposed regulations. All potential affected parties shall be provided advance notice of these meetings and given an opportunity to provide written or oral comments. During these public meetings, the commission shall receive and take into consideration input from all parties concerning the parties' design recommendations, cost considerations, and other factors that would affect consumers and California businesses of the proposed standard. The commission shall take into consideration prior to the start of the notice of proposed action any input provided during these public meetings.

The standards adopted or revised pursuant to this subdivision shall not result in any added total costs for consumers over the designed life of the appliances concerned. When determining cost-effectiveness, the commission shall consider the value of the water or energy saved, impact on product efficacy for the consumer, and the life cycle cost to the consumer of complying with the standard. The commission shall consider other relevant factors, as required by Sections 11346.5 and 11357 of the Government Code, including, but not limited to, the impact on housing costs, the total statewide costs and benefits of the standard over its lifetime, economic impact on California businesses, and alternative approaches and their associated costs.

(2) No new appliance, except for any plumbing fitting, regulated under paragraph (1), that is manufactured on or after July 1, 1984, may be sold, or offered for sale, in the state, unless the date of the manufacture is permanently displayed in an accessible place on that appliance.

(3) During the period of five years after the commission has adopted a standard for a particular appliance under paragraph (1), no increase or decrease in the minimum level of operating efficiency required by the standard for that appliance shall become effective, unless the commission adopts other cost-effective measures for that appliance.

(4) Neither the commission nor any other state agency shall take any action to decrease any standard adopted under this subdivision on or before June 30, 1985, prescribing minimum levels of operating efficiency or other energy conservation measures for any appliance, unless the commission finds by a four-fifths vote that a decrease is of benefit to ratepayers, and that there is significant evidence of changed circumstances. Before January 1, 1986, the commission shall not take any action to increase a standard prescribing minimum levels of operating efficiency for any appliance or adopt a new standard under paragraph (1). Before January 1, 1986, any appliance manufacturer doing business in this state shall provide directly, or through an appropriate trade or industry association, information, as specified by the commission after consultation with manufacturers doing business in the state and appropriate trade or industry associations on sales of appliances so that the commission may study the effects of regulations on those sales. These informational requirements shall remain in effect until the information is received. The trade or industry association may submit sales information in an aggregated form in a manner that allows the commission to carry out the purposes of the study. The commission shall treat any sales information of an individual manufacturer as confidential and that information shall not be a public record. The commission shall not request any information that cannot be reasonably produced in the exercise of due diligence by the manufacturer. At least one year prior to the adoption or amendment of a standard for an appliance, the commission shall notify the Legislature of its intent, and the justification to adopt or amend a standard for the appliance. Notwithstanding paragraph (3) and this paragraph, the commission may do any of the following:

(A) Increase the minimum level of operating efficiency in an existing standard up to the level of the National Voluntary Consensus Standards 90, adopted by the American Society of Heating, Refrigeration, and Air Conditioning Engineers or, for appliances not covered by that standard, up to the level established in a similar nationwide consensus standard.

(B) Change the measure or rating of efficiency of any standard, if the minimum level of operating efficiency remains substantially the same.

(C) Adjust the minimum level of operating efficiency in an existing standard in order to reflect changes in test procedures that the standards require manufacturers to use in certifying compliance, if the minimum level of operating efficiency remains substantially the same.

(D) Readopt a standard preempted, enjoined, or otherwise found legally defective by an administrative agency or a lower court, if final legal action determines that the standard is valid and if the standard that is readopted is not more stringent than the standard that was found to be defective or preempted.

(E) Adopt or amend any existing or new standard at any level of operating efficiency, if the Governor has declared an energy emergency as described in Section 8558 of the Government Code.

(5) Notwithstanding paragraph (4), the commission may adopt standards pursuant to Commission Order No. 84-0111-1, on or before June 30, 1985.

(d) Recommend minimum standards of efficiency for the operation of any new facility at a particular site that are technically and economically feasible. No site and related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500), unless the applicant certifies that standards recommended by the commission have been considered, which certification shall include a statement specifying the extent to which conformance with the recommended standards will be achieved.

Whenever this section and Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code are in conflict, the commission shall be governed by that chapter of the Health and Safety Code to the extent of the conflict.

(e) The commission shall do all of the following:

(1) Not later than January 1, 2004, amend any regulations in effect on January 1, 2003, pertaining to the energy efficiency standards for residential clothes washers to require that residential clothes washers manufactured on or after January 1, 2007, be at least as water efficient as commercial clothes washers.

(2) Not later than April 1, 2004, petition the federal Department of Energy for an exemption from any relevant federal regulations governing energy efficiency standards that are applicable to residential clothes washers.

(3) Not later than January 1, 2005, report to the Legislature on its progress with respect to the requirements of paragraphs (1) and (2).

Added Stats 1977 ch 846 § 5, effective September 16, 1977. Amended Stats 1979 ch 505 § 1, ch 794 § 1.5; Stats 1981 ch 546 § 1; Stats 1983 ch 1070 § 1, ch 1147 § 1; Stats 1984 ch 1402 § 1; Stats 2002 ch 421 § 2 (AB 1561); Stats 2007 ch 531 § 1 (AB 662), ch 532 § 3 (AB 1560), effective January 1, 2008, (ch 532 prevails).

PUBLIC UTILITIES CODE

Division 1 REGULATION OF PUBLIC UTILITIES

Part 1 PUBLIC UTILITIES ACT

Chapter 4 REGULATION OF PUBLIC UTILITIES

Article 2 Rates

§ 739.5. Master meter and submeter service; Uniform rates; Public safety customer services; Maintenance and repair; Itemized bill; Posting of specific current residential gas or electrical rate schedule; Notification of responsibilities; Response to complaints; Eligibility for CARE program

(a) The commission shall require that, whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate that would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation. The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level that will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the service.

(b) Every master-meter customer of a gas or electrical corporation subject to subdivision (a) who, on or after January 1, 1978, receives any rebate from the corporation shall distribute to, or credit to the account of, each current user served by the master-meter customer that portion of the rebate which the amount of gas or electrici-ty, or both, consumed by the user during the last billing period bears to the total amount furnished by the corporation to the master-meter customer during that period.

(c) An electrical or gas corporation furnishing service to a master-meter customer shall furnish to each user of the service within a submetered system every public safety customer service which it provides beyond the meter to its other residential customers. The corporation shall furnish a list of those services to the master-meter cus-tomer who shall post the list in a conspicuous place accessible to all users. Every corporation shall provide these public safety customer services to each user of electrical or gas service under a submetered system without additional charge unless the corporation has included the average cost of these services in the rate differential provided to the master-meter customer on January 1, 1984, in which case the commission shall deduct the average cost of providing these public safety customer services when approving rate differentials for master-meter customers.

(d) Every master-meter customer is responsible for maintenance and repair of its submeter facilities beyond the master-meter, and nothing in this section requires an electrical or gas corporation to make repairs to or per-form maintenance on the submeter system.

(e) Every master-meter customer shall provide an itemized billing of charges for electricity or gas, or both, to each individual user generally in accordance with the form and content of bills of the corporation to its residential customers, including, but not limited to, the opening and closing readings for the meter, and the identification of all rates and quantities attributable to each block in the applicable rate structure. The master-meter customer shall also post, in a conspicuous place, the applicable specific current residential gas or electrical rate schedule, as published by the corporation, or the corporation's Internet Web site address of the specific current residential gas or electrical rate schedule. If the master-meter customer elects to post the Internet Web site address where the schedule may be accessed, the master-meter customer shall also: (1) provide a copy of the specific current residential gas or electrical rate schedule, upon request, at no cost; and (2) state in the posting that an individual user may request a copy of the rate schedule from the master-meter customer.

(f) The commission shall require that every electrical and gas corporation shall notify each master-meter customer of its responsibilities to its users under this section.

(g) The commission shall accept and respond to complaints concerning the requirements of this section through the consumer affairs branch, in addition to any other staff that the commission deems necessary to assist the complainant. In responding to the complaint, the commission shall consider the role that the office of the county sealer in the complainant's county of residence may have in helping to resolve the complaint and, where appropriate, coordinate with that office.

(h) Notwithstanding any other provision of law or decision of the commission, the commission shall not deny eligibility for the California Alternative Rates for Energy (CARE) program, created pursuant to Section 739.1, for a residential user of gas or electric service who is a submetered resident or tenant served by a master-meter cus-tomer on the basis that some residential units in the master-meter customer's mobilehome park, apartment build-ing, or similar residential complex do not receive gas or electric service through a submetered system.

(i) For purposes of this section, "rebate" does not include the award of a monetary incentive under the Califor-nia Solar Initiative adopted by the Public Utilities Commission in Decision 05-12-044 and Decision 06-01-024, as modified

by Article 1 (commencing with Section 2851) of Chapter 9 of Part 2, for a solar energy system that pro-vides electrical generation to a mobilehome park.

Added Stats 2013, ch 201. § 2. Effective January 1, 2014.

Article 3 Equipment, Practices, And Facilities

§ 777. Duties with respect to non-subscriber residential users

(a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an electrical, gas, heat, or water corporation furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, as defined in Section 17008 of the Health and Safety Code, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the corporation shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account. The notice shall be in English and in the languages listed in Section 1632 of the Civil Code.

(c) The corporation is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the corporation's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the corporation, or if there is a physical means, legally available to the corporation, of selectively terminating service to those residential occupants who have not met the requirements of the corporation's rules and tariffs, the corporation shall make service available to those residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the corporation, residence and proof of prompt payment of rent or other credit obligation acceptable to the corporation for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the corporation pursuant to this section whose periodic payments, such as rental payments, include charges for residential electrical, gas, heat, or water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the corporation for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the corporation may do any of the following:

(1) Give notice of termination at least seven days prior to the proposed termination, notwithstanding the notice period specified in subdivision (a).

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

(g) This section shall become operative on July 1, 2010.

Added Stats 2009 ch 560 § 2.5 (SB 120), effective January 1, 2010, operative July 1, 2010.

§ 777.1. Duties of corporation furnishing service to residence through master meter

(a) If an electrical, gas, heat, or water corporation furnishes residential service to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, as defined in Section 17008 of the Health and Safety Code, and the owner, manager, or operator of the structure or park is listed by the corporation as the customer of record, the corporation shall make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the corporation shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account. The notice also shall specify, in plain language, what the residential occupants are required to do in order to prevent the termination of, or to reestablish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the corporation who can assist the residential occupants in continuing service; and the address and telephone number of a qualified legal services project, as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association. The notice shall be in English and the languages listed in Section 1632 of the Civil Code.

(b) The corporation is not required to make service available to the residential occupants unless each residential

occupant or a representative of the residential occupants agrees to the terms and conditions of service and meets the requirements of law and the corporation's rules and tariffs. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the satisfaction of the corporation, or if there is a physical means, legally available to the corporation, of selectively terminating service to those residential occupants who have not met the requirements of the corporation's rules and tariffs or for whom the representative of the residential occupants is not responsible, the corporation shall make service available to those residential occupants who have met those requirements or on whose behalf those requirements have been met.

(c) If prior service for a period of time or other demonstration of credit worthiness is a condition for establishing credit with the corporation, residence and proof of prompt payment of rent or other credit obligation during that period of time acceptable to the corporation is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the corporation pursuant to this section whose periodic payments, such as rental payments, include charges for residential electrical, gas, heat, or water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the corporation for those services during the preceding payment period.

(e) If a corporation furnishes residential service subject to subdivision (a), the corporation shall not terminate that service in any of the following situations:

(1) During the pendency of an investigation by the corporation of a customer dispute or complaint.

(2) If the customer has been granted an extension of the period for payment of a bill.

(3) For an indebtedness owed by the customer to any other person or corporation or if the obligation represented by the delinquent account or other indebtedness was incurred with a person or corporation other than the electrical, gas, heat, or water corporation demanding payment therefor.

(4) If a delinquent account relates to another property owned, managed, or operated by the customer.

(5) If a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

(f) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the residential occupant or the representative of the residential occupants may commence an action for the recovery of all of the following:

(1) Reasonable costs and expenses incurred by the residential occupant or the representative of the residential occupants related to restoration of service.

(2) Actual damages related to the termination of service.

(3) Reasonable attorney's fees of the residential occupants, the representative of the residential occupants, or each of them, incurred in the enforcement of this section, including, but not limited to, enforcement of a lien.

(g) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the corporation may commence an action for the recovery of all of the following:

(1) Delinquent charges accruing prior to the expiration of the notice prescribed by subdivision (a).

(2) Reasonable costs incurred by the corporation related to the restoration of service.

(3) Reasonable attorney's fees of the corporation incurred in the enforcement of this section or in the collection of delinquent charges, including, but not limited to, enforcement of a lien.

If the court finds that the owner, manager, or operator has paid the amount in arrears prior to termination, the court shall allow no recovery of any charges, costs, damages, expenses, or fees under this subdivision from the owner, manager, or operator.

An abstract of any money judgment entered pursuant to subdivision (f) or (g) of this section shall be recorded pursuant to Section 697.310 of the Code of Civil Procedure.

(h) No termination of service subject to this section may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge to the residential occupants or customer for the restoration of the service. In the event of a wrongful termination by the corporation, the corporation shall, in addition, be liable to the residential occupants or customer for actual damages resulting from the termination and for the costs of enforcement of this section, including, but not limited to, reasonable attorney's fees, if the residential occupants or the representative of the residential occupants made a good faith effort to have the service continued without interruption.

(i) The commission shall adopt rules and orders necessary to implement this section and shall liberally construe this section to accomplish its purpose of ensuring that service to residential occupants is not terminated due to nonpayment by the customer unless the corporation has made every reasonable effort to continue service to the residential occupants. The rules and orders shall include, but are not limited to, reasonable penalties for a violation of this section, guidelines for assistance to residents in the enforcement of this section, and requirements for the notice prescribed by subdivision (a), including, but not limited to, clear wording, large and boldface type, and comprehensive instructions to ensure full notice to the resident.

(j) Nothing in this section broadens or restricts any authority of a local agency that existed prior to January 1, 1989, to adopt an ordinance protecting a residential occupant from the involuntary termination of residential public utility service.

(k) This section preempts any statute or ordinance permitting punitive damages against any owner, manager, or operator on account of an involuntary termination of residential public utility service or permitting the recovery of costs associated with the formation, maintenance, and termination of a tenants' association.

(l) For purposes of this section, "representative of the residential occupants" does not include a tenants' association.

Added Stats 1988 ch 1533 § 2. Amended Stats 1989 ch 1360 § 131; Stats 2009 ch 560 § 3 (SB 120), effective January 1, 2010; Stats 2010 ch 328 § 201 (SB 1330).

§ 780.5. Separate metering

The commission shall require every residential unit in an apartment house or similar multiunit residential structure, condominium, and mobilehome park for which a building permit has been obtained on or after July 1, 1982, other than a dormitory or other housing accommodation provided by any postsecondary educational institution for its students or employees and other than farmworker housing, to be individually metered for electrical and gas service, except that separate metering for gas service is not required for residential units which are not equipped with gas appliances requiring venting or are equipped with only vented decorative appliances or which receive the majority of energy used for water or space heating from a solar energy system or through cogeneration technology.

Added Stats 1981 ch 701 § 3. Amended Stats 2004 ch 694 § 11 (SB 1891).

Division 6 MUNICIPAL UTILITY DISTRICT ACT

Chapter 6 POWERS AND FUNCTIONS OF DISTRICT

Article 5 Utility Works And Service

§ 12821.5. Responsibilities of residential master–meter customer for submeter system

(a) Whenever residential light, heat, or power is furnished through a submeter system by a master–meter customer for sale to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master–meter customer is responsible for maintenance and repair of its submeter facilities beyond the master meter, and nothing in this section requires a district to make repairs to or perform maintenance on the submeter system.

(b) Every master–meter customer shall provide an itemized billing of charges for light, heat, and power to each individual user generally in accordance with the form and content of bills of the district to its residential customers, including, but not limited to, the opening and closing readings for the meter, and the identification of all rates and quantities under the applicable rate structure. The master–meter customer shall charge each user of the service at a rate which does not exceed the rate which would be applicable if the user were receiving residential light, heat, or power directly from the district. The master–meter customer shall also post, in a conspicuous place, the applicable prevailing residential rate schedule, as published by the district.

(c) The district shall notify each master–meter customer of its responsibilities to its users under this section.

Added Stats 1986 ch 512 § 1.

§ 12822. Duties with respect to nonsubscriber residential users

(a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If a district furnishes individually metered residential light, heat, water, or power to residential occupants in a detached single-family dwelling, multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, as defined in Section 17008 of the Health and Safety Code, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record of the service, the district shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears, that service will be terminated in 10 days. The written notice shall further inform the residential occupants that they have the right to become customers of the district without being required to pay the amount due on the delinquent account. The notice shall be in English and in the languages listed in Section 1632 of the Civil Code.

(c) The district is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service, and meets the requirements of the district's rules. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the district, or if there is a physical means, legally available to the district, of selectively terminating service to those residential occupants who have not met the requirements of the district's rules, the district shall make service available to the residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the district, residence and proof of prompt payment of rent or other credit obligation acceptable to the district for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the district pursuant to this section whose periodic payments, such as rental payments, include charges for residential light, heat, water, or power, where these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to

the district for those services during the preceding payment period.

Added Stats 1976 ch 1033 § 3. Amended Stats 1985 ch 888 § 9; Stats 1988 ch 1533 sec 5; Stats 2009 ch 560 § 6 (SB 120), effective January 1, 2010.

§ 12822.1. Duties of district furnishing service to residential occupants through master meter

(a) If a district furnishes residential light, heat, water, or power to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined in Section 17008 of the Health and Safety Code, and the owner, manager, or operator of the structure or park is listed by the district as the customer of record of the service, the district shall make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the district shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, of the district without being required to pay the amount due on the delinquent account. The notice also shall specify, in plain language, what the residential occupants are required to do in order to prevent the termination or reestablish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the district who can assist the residential occupants in continuing service; and the address and telephone number of a legal services project, as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association. The notice shall be in English andin the languages listed in Section 1632 of the Civil Code.

(b) The district is not required to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to the terms and conditions of service, and meets the requirement of law and the district's rules. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the satisfaction of the district, or if there is a physical means, legally available to the district, of selectively terminating service to those residential occupants who have not met the requirements of the district's rules or for whom the representative of the residential occupants is not responsible, the district shall make service available to the residential occupants who have met those requirements or on whose behalf those requirements have been met.

(c) If prior service for a period of time, or other demonstration of credit worthiness is a condition for establishing credit with the district, residence and proof of prompt payment of rent or other credit obligation during that period of time acceptable to the district is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the district pursuant to this section whose periodic payments, such as rental payments, include charges for residential light, heat, water, or power, where these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the district for those services during the preceding payment period.

(e) If a district furnishes residential service subject to subdivision (a), the district may not terminate that service in any of the following situations:

(1) During the pendency of an investigation by the district of a customer dispute or complaint.

(2) If the customer has been granted an extension of the period for payment of a bill.

(3) For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the district.

(4) If a delinquent account relates to another property owned, managed, or operated by the customer.

(5) If a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

(f) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, operator, or manager, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit is occupied, the residential occupant or the representative of the residential occupants may commence an action for the recovery of all of the following:

(1) Reasonable costs and expenses incurred by the residential occupant or the representative of the residential occupants related to restoration of service.

(2) Actual damages related to the termination of service.

(3) Reasonable attorney's fees of the residential occupants, the representative of the residential occupants, or each of them, incurred in the enforcement of this section, including, but not limited to, enforcement of a lien.

(g) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the corporation may commence an action for the recovery of all of the following:

(1) Delinquent charges accruing prior to the expiration of the notice prescribed by subdivision (a).

(2) Reasonable costs incurred by the corporation related to the restoration of service.

(3) Reasonable attorney's fees of the corporation incurred in the enforcement of this section or in the collection of delinquent charges, including, but not limited to, enforcement of a lien.

If the court finds that the owner, manager, or operator has paid the amount in arrears prior to termination, the court

shall allow no recovery of any charges, costs, damages, expenses, or fees under this subdivision from the owner, manager, or operator.

An abstract of any money judgment entered pursuant to subdivision (f) or (g) shall be recorded pursuant to Section 697.310 of the Code of Civil Procedure.

(h) No termination of service subject to this section may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge to the residential occupants or customer for the restoration of the service. In the event of a wrongful termination by the district, the district shall, in addition, be liable to the residential occupants or customer for actual damages resulting from the termination and for the costs of enforcement of this section, including, but not limited to, reasonable attorney's fees, if the residential occupants or the representative of the residential occupants make a good faith effort to have the service continued without interruption.

(i) The district shall adopt rules and regulations necessary to implement this section and shall liberally construe this section to accomplish its purpose of ensuring that service to the residential occupants is not terminated due to nonpayment by the customer unless the district has made every reasonable effort to continue service to the residential occupants. The rules and regulations shall include, but are not limited to, guidelines for assistance to actual users in the enforcement of this section and requirements for the notice prescribed by subdivision (a), including, but not limited to, clear wording, large and boldface type, and comprehensive instructions to ensure full notice to the actual user.

(j) Nothing in this section broadens or restricts any authority of a local agency that existed prior to January 1, 1989, to adopt an ordinance protecting a residential occupant from the involuntary termination of residential public utility service.

(k) This section preempts any statute or ordinance permitting punitive damages against any owner, manager, or operator on account of an involuntary termination of residential public utility service or permitting the recovery of costs associated with the formation, maintenance, and termination of a tenant's association.

(l) For purposes of this section, "representative of the residential occupants" does not include a tenants' association.

Added Stats 1988 ch 1533 sec 6. Amended Stats 2009 ch 560 § 7 (SB 120), effective January 1, 2010.

§ 12822.6. Credit worthiness as basis for deposit; "Subsequent tenant"

(a) The decision of a district to require a new residential applicant to deposit a sum of money with the district prior to establishing an account and furnishing service shall be based solely upon the creditworthiness of the applicant as determined by the district.

(b) No municipal utility district owning or operating a public utility furnishing services for residential use to a tenant under an account established by the tenant shall seek to recover any charges or penalties for the furnishing of services to, or for the tenant's residential use from, any subsequent tenant or the property owner due to nonpayment of charges by a previous tenant. For this purpose, the term "subsequent tenant" shall not include any adult person who lived at the residence during the period that the charges or penalties accrued. The district may collect a deposit from the tenant service applicant prior to establishing an account for the tenant. The district may not require that service to subsequent tenants be furnished on the account of the landlord or property owner unless the property owner voluntarily agrees to that requirement, nor may the district refuse to furnish services to a tenant in the tenant's name based on the nonpayment of charges by a previous tenant.

(c) A district subject to this section may not demand or receive security in an amount that exceeds twice the estimated average periodic bill or three times the estimated average monthly bill.

(d) In the event of tenant nonpayment of all or a portion of the bill, the deposit shall be applied to the final bill issued when service is terminated.

(e) This section shall not apply to master–metered apartment buildings.

Added Stats 1989 ch 1066 § 5. Amended Stats 1996 ch 24 § 5 (AB 1770), effective April 8, 1996; Stats 1998 ch 739 § 5 (SB 2166).

§ 12823. Conditions under which services may not be terminated

(a) No district furnishing its inhabitants with light, water, power, or heat may terminate residential service for nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, as provided in Section 12823.

(b) No district shall terminate residential service for nonpayment in any of the following situations:

(1) During the pendency of an investigation by the district of a customer dispute or complaint.

(2) When a customer has been granted an extension of the period for payment of a bill.

(3) On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the district pursuant to subdivision (e) with respect to all charges that the customer is unable to pay prior to delinquency.

(c) Any residential customer who has initiated a complaint or requested an investigation within five days of receiving the disputed bill, or who has, within 13 days of mailing of the notice required by subdivision (a), made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request by a review manager of the district. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed 12 months. No termination

of service shall be effected for any customer complying with an amortization agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period.

(d) Any customer whose complaint or request for an investigation pursuant to subdivision (c) has resulted in an adverse determination by the district may appeal the determination to the board. Any subsequent appeal of the dispute or complaint to the board is not subject to this section.

(e) Any customer meeting the requirements of paragraph (3) of subdivision (b) shall, upon request, be permitted to amortize, over a period not to exceed 12 months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment.

Added Stats 1977 ch 1027 § 5. Amended Stats 1985 ch 888 § 10.

§ 12823.1. Termination procedure; Notice of termination

(a) No district furnishing light, heat, water, or power may terminate residential service on account of nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed not earlier than 19 days from the date of mailing the district's bill for services, and the 10–day period shall not commence until five days after the mailing of the notice.

(b) Every district shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact, at least 24 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the district shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(c) Every district shall make available to its residential customers who are 65 years of age or older, or who are dependent adults as defined in paragraph (1) of subdivision (b) of Section 15610 of the Welfare and Institutions Code, a third–party notification service, whereby the district will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third–party notification on a form provided by the district, and shall include the written consent of the designated third party. The third–party notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

(d) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information:

(1) The name and address of the customer whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment is required in order to avoid termination.

(4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that, if the bill for service contains a description of that procedure, the notice pursuant to subdivision (a) is not required to contain that information.

(5) The procedure by which the customer may request amortization of the unpaid charges.

(6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

(7) The telephone number of a representative of the district who can provide additional information or institute arrangements for payment.

Every notice of termination of service pursuant to subdivision (b) shall include the items of information in paragraphs (1), (2), (3), (6), and (7).

All written notices shall be in a clear and legible format.

(e) If a residential customer fails to comply with an amortization agreement, the district shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the district.

(f) No termination of service may be effected without compliance with this section. Any service wrongfully terminated shall be restored without charge for the restoration of service, and a notation thereof shall be mailed to the customer at his or her billing address.

Added Stats 1985 ch 888 § 11. Amended Stats 1986 ch 479 § 3, ch 1396 § 3; Stats 1987 ch 614 § 3.

§ 12824. Prohibited cessation of services during weekends, holidays or non–business hours

No electrical, gas, heat, or water municipal utility district shall, by reason of delinquency in payment for any electric, gas, heat, or water services, cause cessation of any such services on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the district are not open to the public.

Added Stats 1977 ch 1027 § 6.

See Mobilehome Parks-Miscellaneous Statutes, for additional statutes regarding manufactured homes, located in a flood plain, installation requirement. (i.e., California Federal Regulations, Title 44, Chapter I, Subchapter B, Parts 59 and 60)

Laws and Regulations
2014 Edition

State Housing Law

Health and Safety Code

Appendix

Health and Safety Code

STATE HOUSING LAW

Health and Safety Code
Division 13 Housing
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STATE HOUSING LAW

HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 1.5 REGULATION OF BUILDINGS USED FOR HUMAN HABITATION

Chapter 1 GENERAL PROVISIONS

§ 17910. Citation of part

This part is known as the "State Housing Law."

Added Stats 1961 ch 1844 § 8.

§ 17911. Inapplicability of this part to buildings regulated by other parts of this division

The provisions of this part do not apply to any building regulated by Part 2 (commencing with Section 18000), Part 2.1 (commencing with Section 18200), or Part 6 (commencing with Section 19960) of this division, unless such parts specifically require such application.

Added Stats 1961 ch 1844 § 8. Amended Stats 1965 ch 230 § 1; Stats 1969 ch 1422 § 1; Stats 1971 ch 438 § 131.

§ 17912. Applicability of regulations to existing buildings or structures

Rules and regulations promulgated pursuant to the provisions of this part and building standards published in the State Building Standards Code, relating to the erection or construction of buildings or structures, shall not apply to existing buildings or structures or to buildings or structures as to which construction is commenced or approved prior to the effective date of the rules, regulations, or building standards, except by act of the Legislature, but rules, regulations, and building standards relating to use, maintenance, and change of occupancy shall apply to all hotels, motels, lodginghouses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, approved for construction or constructed before or after the effective date of such rules, regulations, or building standards.

Added Stats 1965 ch 152 § 2. Amended Stats 1974 ch 1268 § 1; Stats 1979 ch 1152 § 59.

§ 17913. Provision of code enforcement information to specified entities

(a) The department shall notify the entities listed in subdivision (c) of the dates that each of the uniform codes published by the specific organizations described in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 17922 are approved by the California Building Standards Commission pursuant to Section 18930 and the effective date of the model codes as established by the California Building Standards Commission.

(b) The department may publish information bulletins regarding code enforcement as emergencies occur or at any other time the department determines appropriate.

(c) The department shall distribute the information described in subdivision (a), and may distribute the information described in subdivision (b), to the following entities:

(1) The building department in each county and city.

(2) Housing code officials, fire service officials, professional associations concerned with building standards, and any other persons or entities the department determines appropriate.

Added Stats 1986 ch 90 § 1. Amended Stats 1997 ch 645 § 1 (AB 1071).

Chapter 2 RULES AND REGULATIONS

§ 17920. Definitions

As used in this part:

(a) "Approved" means acceptable to the department.

(b) "Building" means a structure subject to this part.

(c) “Building standard” means building standard as defined in Section 18909.

(d) “Department” means the Department of Housing and Community Development.

(e) “Enforcement” means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, “enforcement” may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.

(f) “Fire protection district” means any special district, or any other municipal or public corporation or district, which is authorized by law to provide fire protection and prevention services.

(g) “Labeled” means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization, approved by the department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(h) “Listed” means all products that appear in a list published by an approved testing or listing agency.

(i) “Listing agency” means an agency approved by the department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of listed products, equipment, and installations, and that, at least annually, makes available a published report of these listings.

(j) “Noise insulation” means the protection of persons within buildings from excessive noise, however generated, originating within or without such buildings.

(k) “Nuisance” means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity.

(l) “Public entity” has the same meaning as defined in Section 811.2 of the Government Code.

(m) “Testing agency” means an agency approved by the department as qualified and equipped for testing of products, materials, equipment, and installations in accordance with nationally recognized standards.

Added Stats 1961 ch 1844 § 8. Amended Stats 1968 ch 1018 § 1; Stats 1972 ch 1424 § 1; Stats 1974 ch 1268 § 3; Stats 1977 ch 847 § 1; Stats 1979 ch 62 § 2, effective May 14, 1979, ch 434 § 1, ch 729 § 1.5, ch 1152 § 60.5; Stats 1993 ch 413 § 1 (AB 765), effective September 20, 1993; Stats 1997 ch 645 § 2 (AB 1071).

§ 17920.3. Substandard buildings

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by the health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire–resistive construction or fire–extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire–resistive integrity and fire–extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

Added Stats 1979 ch 434 § 2. Amended Stats 1982 ch 1545 § 1; Stats 2000 ch 471 § 4 (AB 2008); Stats 2013 ch 89, § 2 (SB 488).

§ 17920.5. "Local appeals board"

As used in this part "local appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the building requirements of the city or county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city or county having jurisdiction over such area.

Added Stats 1961 ch 1844 § 8.

§ 17920.6. "Housing appeals board"

As used in this part, "housing appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to

the use, maintenance, and change of occupancy of hotels, motels, lodginghouses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals. In any area in which three is not such a board or agency, "housing appeals board" means the local appeals board having jurisdiction over such area.

Added Stats 1977 ch 847 § 2.

§ 17920.8. Placement of distinctive devices and signs to identify exits

In addition to any other requirements for location of exit signs or devices in hotels, motels, or apartment houses, the State Fire Marshal shall adopt building standards establishing minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor. Exit sign technologies permitted by the model building code upon which the California Building Standards Code is based, shall be permitted. These building standards shall apply to all newly constructed occupancies subject to this section for which a building permit is issued, or construction is commenced, where no building permit is issued on or after January 1, 1989.

Added Stats 1987 ch 401 § 2. Amended Stats 1997 ch 871 § 2 (SB 1040).

§ 17920.9. Minimum fire safety and fire–resistant standards for foam building systems

(a) The department shall propose adoption, amendment, or repeal by the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, of those regulations as are necessary for the provision of minimum fire safety and fire–resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory–built housing subject to Part 6 (commencing with Section 19960), for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory–built housing. The department shall enforce building standards published in the California Building Standards Code relating to foam building systems, and other rules and regulations adopted by the department or by federal law. Each manufacturer of foam building systems shall have any foam building system manufactured for use in any building, factory–built housing, or mobilehome listed and labeled by an approved testing agency certifying that the system meets fire safety and fire–resistant building standards published in the California Building Standards Code. The department shall consult with all available public and private sources to assist in the development of the building standards and other rules and regulations.

(b) The department shall make inspections of the manufacture of such foam building systems which it determines are necessary to insure compliance with the requirements of subdivision (a).

(c) No person shall sell, offer for sale, or use in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory–built housing subject to Part 6 (commencing with Section 19960), in this state, any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory–built housing of which a foam building system is a component, which foam building system does not comply with, or has not been listed and labeled by an approved testing agency certifying that the foam building system is in compliance with, the requirements of subdivision (a) on and after the 180th day after the building standards or other rules or regulations become effective.

This subdivision shall not apply to any buildings, mobilehomes, or factory–built housing constructed prior to the 180th day after those standards become effective.

(d) No person shall sell, offer for sale, or use in construction of any building subject to this part, a mobilehome subject to Part 2 (commencing with Section 18000), or factory–built housing subject to Part 6 (commencing with Section 19960), in this state, any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory–built housing of which a foam building system is a component, if the manufacturer thereof refuses to permit the department to conduct the inspections required by subdivision (b) on and after the 180th day after the building standards or other rules or regulations become effective.

(e) As used in this section:

(1) "Foam" means a material made by mixing organic polymers with air or other gases in a manner that forms a solid substance with holes filled with air or gas when the mixture is allowed to set.

(2) "Foam building system" means a system of building materials composed of, in whole or in part, of foam. It includes, but is not limited to, all combinations of systems such as those composed of foam inserted between and bonded to two boundary surface materials or those composed exclusively of foam.

(3) "Building standard" means building standard as defined in Section 18909.

Added Stats 1973 ch 964 § 1. Amended Stats 1979 ch 1152 § 62; Stats 1983 ch 101 § 125; Stats 1997 ch 645 § 3 (AB 1071).

§ 17920.10. Lead hazards

(a) Any building or portion thereof including any dwelling unit, guestroom, or suite of rooms, or portion thereof, or the premises on which it is located, is deemed to be in violation of this part as to any portion that contains lead hazards. For purposes of this part, "lead hazards" means deteriorated lead–based paint, lead–contaminated dust, lead–contaminated soil, or disturbing lead–based paint without containment, if one or more of these hazards are

present in one or more locations in amounts that are equal to or exceed the amounts of lead established for these terms in Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations or by this section and that are likely to endanger the health of the public or the occupants thereof as a result of their proximity to the public or the occupants thereof.

(b) In the absence of new regulations adopted by the State Department of Health Services in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) further interpreting or clarifying the terms "deteriorated lead–based paint," "lead–based paint," "lead–contaminated dust," "containment," or "lead–contaminated soil," regulations in Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations adopted by the State Department of Health Services pursuant to Sections 105250 and 124150 shall interpret or clarify these terms. If the State Department of Health Services adopts new regulations defining these terms, the new regulations shall supersede the prior regulations for the purposes of this part.

(c) In the absence of new regulations adopted by the State Department of Health Services in accordance with the rulemaking provisions of the Administrative Procedure Act defining the term "disturbing lead–based paint without containment" or modifying the term "deteriorated lead–based paint," for purposes of this part "disturbing lead–based paint without containment" and "deteriorated lead–based paint" shall be considered lead hazards as described in subdivision (a) only if the aggregate affected area is equal to or in excess of one of the following:

(1) Two square feet in any one interior room or space.

(2) Twenty square feet on exterior surfaces.

(3) Ten percent of the surface area on the interior or exterior type of component with a small surface area. Examples include window sills, baseboards, and trim.

(d) Notwithstanding subdivision (c), "disturbing lead–based paint without containment" and "deteriorated lead–based paint" shall be considered lead hazards, for purposes of this part, if it is determined that an area smaller than those specified in subdivision (c) is associated with a person with a blood lead level equal to or greater than 10 micrograms per deciliter.

(e) If the State Department of Health Services adopts regulations defining or redefining the terms "deteriorated lead–based paint," "lead–contaminated dust," "lead–contaminated soil," "disturbing lead–based paint without containment," "containment," or "lead–based paint," the effective date of the new regulations shall be deferred for a minimum of three months after their approval by the Office of Administrative Law and the regulations shall take effect on the next July 1 or January 1 following that three–month period. Until the new definitions apply, the prior definition shall apply.

Added Stats 2002 ch 931 § 1.5 (SB 460).

NOTE: In 2008, the Department of Health Services, now the Department of Public Health, promulgated regulations in Title 17, California Code of Regulations, sections 35001 et seq., which supersedes section 17920.10.

§ 17921. Building standards; Rules and regulations

(a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single–family dwelling prior to its occupancy.

Added Stats 1961 ch 1844 § 8. Amended Stats 1965 ch 1033 § 1; Stats 1972 ch 1224 § 1; Stats 1974 ch 1268 § 3.5; Stats 1979 ch 1152 § 63; Stats 1981 ch 1177 § 7; Stats 1983 ch 101 § 126; Stats 1997 ch 645 § 4 (AB 1071).

§ 17921.1. Hotplates

Notwithstanding the provisions of Section 17921, and except as provided for herein, the department shall not adopt or enforce any rule or regulation relating to the installation, maintenance, or use of a hotplate in a room of any building occupied on or prior to the effective date of this act, if all of the following conditions exist:

(a) The hotplate is used solely for the cooking or preparation of meals for consumption by not more than two occupants of the room.

(b) The hotplate contains not more than two burners or heating elements, and has been approved by a testing agency acceptable to the department.

(c) The installation, maintenance, or use of a hotplate will not be, or is not, hazardous to life or property.

(d) The hotplate rests on its own legs, is set not closer than six inches from any wall or projection thereof, and rests on an impervious surface.

(e) The walls behind and adjacent to the hotplate are lined or backflashed with incombustible material equivalent to one–fourth–inch asbestos millboard; the backflashing extends from 12 inches below to 24 inches above the base of the hotplate; and there is 36 inches of clear and unobstructed space above the surface of the hotplate.

(f) The area of such room is not less than 120 square feet in superficial floor area.

(g) The room contains an approved sink with hot and cold running water.

(h) All plumbing in the room complies with the provisions of this part and building standards published in the State Building Standards Code.

(i) An approved storage cabinet is installed in the room wherein all food, dishes, and cooking and eating utensils are stored when not in use.

(j) The bed, and any drapes, curtains, towels, or other readily combustible materials, in the room are located so that they do not come in contact with the hotplate.

(k) The room complies with the provisions of this part and building standards published in the State Building Standards Code pertaining to window area, ventilation, ceiling height, and cubic airspace.

(l) An approved method of heating is installed in or for the room and the hotplate is not used for the purpose of heating the room or installed within an unventilated area.

(m) Toilet and bath facilities are installed and maintained in the building as required by this part and building standards published in the State Building Standards Code.

In the event of any structural addition or any alteration or reconstruction involving the floor area of any room the provisions of Section 17921 shall apply.

Any city or county may enact an ordinance to prohibit the installation, maintenance, or use of a hotplate in any room.

"Approved," when used in connection with any material, type of construction, or appliance in this section, means meeting the approval of the enforcement agency as the result of investigation and tests conducted by the agency or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.

Added Stats 1963 ch 696 § 1. Amended Stats 1979 ch 1152 § 64.

§ 17921.3. (~~Operative term contingent~~ INOPERATIVE as of January 1, 2014) Water closets and urinals requirements

(a) All water closets and urinals installed or sold in this state shall meet performance, testing, and labeling requirements established by the American Society of Mechanical Engineers standard A112.19.2-2003, or A112.19.14-2001, as applicable. No other marking and labeling requirements shall be required by the state. All water closets and urinals installed or sold in this state shall be listed by an American National Standards Institute accredited third-party certification agency to the appropriate American Society of Mechanical Engineers standards set forth in this subdivision. No other listing or certification requirements shall be required by the state.

(b)(1) All water closets sold or installed in this state shall use no more than an average of 1.6 gallons per flush. On and after January 1, 2014, all water closets, other than institutional water closets, sold or installed in this state shall be high-efficiency water closets.

(2) All urinals sold or installed in this state shall use no more than an average of one gallon per flush. On and after January 1, 2014, all urinals, other than blow-out urinals, sold or installed in this state shall be high-efficiency urinals.

(3) Each manufacturer selling water closets or urinals in this state shall have not less than the following percentage of models offered for sale in this state of high-efficiency water closets plus high-efficiency urinals as compared to the total number of models of water closets plus urinals offered for sale in this state by that manufacturer:

(A) Fifty percent in 2010.

(B) Sixty-seven percent in 2011.

(C) Seventy-five percent in 2012.

(D) Eighty-five percent in 2013.

(E) One hundred percent in 2014 and thereafter.

(4) Each manufacturer that sells water closets or urinals in this state shall inform the State Energy Resources Conservation and Development Commission, the department, and the California Building Standards Commission, inwriting, of the percentage of models of high-efficiency water closets plus high-efficiency urinals offered for sale in this state as compared to the total number of models of water closets plus urinals offered for sale in this state by that manufacturer for each year 2010 to 2013, inclusive, by January 30 of that year.

(c) Any city, county, or city and county may enact an ordinance to allow the sale and installation of nonlow-consumption water closets or urinals upon its determination that the unique configuration of building drainage systems or portions of a public sewer system within the jurisdiction, or both, requires a greater quantity of water to flush the system in a manner consistent with public health. At the request of a public agency providing sewer services within the jurisdiction, the city, county, or city and county shall hold a public hearing on the need for an ordinance as provided in this subdivision. Prior to this hearing or to the enactment of the ordinance, those agencies responsible for the provision

of water and sewer services within the jurisdiction, if other than the agency considering adoption of the ordinance, shall be given at least 30 days' notice of the meeting at which the ordinance may be considered or adopted.

(d) Notwithstanding subdivision (b), on and after January 1, 1994, water closets and urinals that do not meet the standards referenced in subdivision (b) may be sold or installed for use only under either of the following circumstances:

(1) Installation of the water closet or urinal to comply with the standards referenced in subdivision (b) would require modifications to plumbing system components located beneath a finished wall or surface.

(2) The nonlow-consumption water closets, urinals, and flushometer valves, if any, would be installed in a home or building that has been identified by a local, state, or federal governmental entity as a historical site and historically accurate water closets and urinals that comply with the flush volumes specified in subdivision (b) are not available.

(e)(1) This section does not preempt any actions of cities, counties, cities and counties, or districts that prescribe additional or more restrictive conservation requirements affecting either of the following:

(A) The sale, installation, or use of low-consumption water closets, urinals, and flushometer valves that meet the standards referenced in subdivision (a), (b), or (c).

(B) The continued use of nonlow-consumption water closets, urinals, and flushometer valves.

(2) This section does not grant any new or additional powers to cities, counties, cities and counties, or districts to promulgate or establish laws, ordinances, regulations, or rules governing the sale, installation, or use of low-consumption water closets, urinals, and flushometer valves.

(f) The California Building Standards Commission or the department may, by regulation, reduce the quantity of water per flush required pursuant to this section if deemed appropriate or not inconsistent in light of other standards referenced in the most recent version of the California Plumbing Code, and may refer to successor standards to the standards referenced in this section if determined appropriate in light of standards referenced in the most recent version of the California Plumbing Code.

(g) As used in this section, the following terms have the following meanings:

(1) "Blow-out urinal" means a urinal designed for heavy-duty commercial applications that work on a powerful nonsiphonic principle.

(2) "High-efficiency water closet" means a water closet that is either of the following:

(A) A dual flush water closet with an effective flush volume that does not exceed 1.28 gallons, where effective flush volume is defined as the composite, average flush volume of two reduced flushes and one full flush. Flush volumes shall be tested in accordance with ASME A112.19.2 and ASME A112.19.14.

(B) A single flush water closet where the effective flush volume shall not exceed 1.28 gallons. The effective flush volume is the average flush volume when tested in accordance with ASME A112.19.2.

(3) "High-efficiency urinal" means a urinal that uses no more than 0.5 gallons per flush.

(4) "Institutional water closet" means any water closet fixture with a design not typically found in residential or commercial applications or that is designed for a specialized application, including, but not limited to, wallmounted floor-outlet water closets, water closets used in jails or prisons, water closets used in bariatrics applications, and child water closets used in day care facilities.

(5) "Nonlow-consumption flushometer valve," "nonlow-consumption urinal," and "nonlow-consumption water closet" mean devices that use more than 1.6 gallons per flush for toilets and more than 1.0 gallons per flush for urinals.

(6) "Urinal" means a water-using urinal.

(7) "Wall-mounted/wall-outlet water closets" means models that are mounted on the wall and discharge to the drainage system through the wall.

(h) For purposes of this section, all consumption values shall be determined by the test procedures contained in the American Society of Mechanical Engineers standard A112.19.2-2003 or A112.19.14-2001.

(i) This section shall remain operative only until January 1, 2014, or until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to this section, whichever date is later.

Added Stats 2007 ch 499 § 2 (AB 715), effective January 1, 2008.

§ 17921.4. (~~Operative until~~ INOPERATIVE as of January 1, 2014) Nonwater-supplied urinal approved for installation or sale; Requirements

(a) A nonwater-supplied urinal approved for installation or sold in this state shall satisfy all of the following requirements:

(1) Meet performance, testing, and labeling requirements established by the American Society of Mechanical Engineers standard A112.19.19-2006.

(2) Be listed by an American National Standards Institute accredited third-party certification agency to the American Society of Mechanical Engineers standard A112.19.19-2006.

(3) Provide a trap seal that complies with the California Plumbing Code.

(4) Permit the uninhibited flow of waste through the urinal to the sanitary drainage system.

(5) Be cleaned and maintained in accordance with the manufacturer' s instructions after installation.

(6) Be installed with a water supply rough-in to the urinal location that would allow a subsequent replacement of the nonwater-supplied urinal with a water-supplied urinal if desired by the owner or if required by the enforcement agency.

(b) As used in this section, the following terms have the following meanings:

(1) "Building" means any structure subject to this part, and any structure subject to the California Building Standards Law as set forth in Part 2.5 (commencing with Section 18901).

(2) "Water supply rough-in" means the installation of water distribution and fixture supply piping sized to accommodate a water-supplied urinal to an in-wall point immediately adjacent to the urinal location.

(c) Nothing in this section shall restrict the authority of the California Building Standards Commission to require any additional conditions on the installation and use of nonwater-supplied urinals.

Added Stats 2007 ch 499 § 3 (AB 715), effective January 1, 2008, operative until January 1, 2014.

§ 17921.5. [Section renumbered 2008.]

Added Stats 1977 ch 610 § 2, as *H & S C § 50558*. Amended Stats 1979 ch 1152 § 201. Amended and Renumbered *H & S C § 17921.5* by Stats 2006 ch 890 § 17 (SB 286), effective January 1, 2007. Amended and Renumbered *H & S C § 17921.6* by Stats 2007 ch 499 § 4 (AB 715), effective January 1, 2008.

§ 17921.6. Adoption of standards regulating use of cellular concrete

Except as provided in Sections 18930 and 18949.5,the department shall prepare and adopt minimum standards regulating the use and application of cellular concrete as it determines are reasonably necessary for the protection of life and property.

Added Stats 1977 ch 610 § 2, as *H & S C § 50558*. Amended Stats 1979 ch 1152 § 201. Amended and Renumbered *H & S C § 17921.5* by Stats 2006 ch 890 § 17 (SB 286), effective January 1, 2007. Amended and Renumbered Stats 2007 ch 499 § 4 (AB 715), effective January 1, 2008.

§ 17921.7. Legislative findings and declarations relating to ABS pipe; Requirements for sale

(a)(1) The Legislature finds and declares all of the following:

(A) Acrylonitrile-butadiene-styrene ("ABS") drain, waste, and vent plumbing pipe is used to drain or vent wastewater from kitchens, bathrooms, washers, and plumbing fixtures found in the home. ABS pipe is commonly used in residential construction, and ABS pipe has been installed in the foundations and walls of thousands of single-family homes, apartments, condominiums, and other residences throughout California.

(B) The American Society for Testing and Materials (ASTM) has established specifications for the manufacture of ABS pipe, including a requirement that ABS pipe be made from virgin plastic resin. These specifications have been incorporated into the Uniform Plumbing Code (UPC), which is applicable to all occupancies throughout the state pursuant to subdivision (b) of Section 18938, a provision of the California Building Standards Law (Part 2.5 (commencing with Section 18901)).

(C) ABS pipe that does not meet ASTM requirements might, within a period of a decade or less, crack and leak wastewater and sewage, resulting in structural damage, vermin infestation, and severe health hazards for residents or occupants of buildings in which defectively manufactured ABS pipe has failed. One apparent cause of these mechanical failures of ABS pipe has been the use of nonvirgin, reprocessed plastic resin for the manufacture of ABS pipe.

(D) The continued use of this nonvirgin, reprocessed plastic resin by some ABS pipe manufacturers violates the requirements of the UPC and is also in violation of the building standards established in accordance with the California Building Standards Law. The problem of the property damage inflicted on the public continues to worsen.

(E) Thousands of California residents either already have, or eventually will, experience serious damage to their homes, apartments, and condominiums, as well as threats to their health and safety, because of the substandard ABS pipe that has been installed, in violation of building standards, in structures throughout the state.

(F) There are currently no statutes or regulations that apply to the sale of defective plastic resin to ABS pipe manufacturers.

(2) It is, therefore, the intent of the Legislature that both of the following occur:

(A) That a provision that addresses the important issues set forth in paragraph (1) be added to the State Housing Law.

(B) That the Department of Housing and Community Development expeditiously implement the provisions of Chapter 413 of the Statutes of 1993 that relate to this section.

(b) On and after the effective date of the act that adds this section, no person shall sell or offer for sale a plastic resin for use in the manufacture of ABS DWV pipe that does not meet the requirements of the listing pursuant to authority granted by subdivision (e).

(c)(1) Any and all plastic resin sold to an ABS DWV pipe manufacturer for use in ABS DWV pipe shall contain a certification that the plastic resin conforms to the requirements specified in the listing pursuant to subdivision (e).

(2) Any and all plastic resin sold to an ABS pipe manufacturer shall be accompanied by a document indicating the name and address of the manufacturer of that plastic resin, the date that the plastic resin was purchased by the seller, and specifications of the chemical and physical properties of the plastic resin. For a period of at least 10 years from the date of the sale of this plastic resin, the information required to be certified by this subdivision shall be kept onsite at the ABS pipe manufacturing plant, and available for inspection by the enforcement agency, at all times.

(d) No ABS DWV pipe that contains plastic resin that does not meet the requirements of the listing pursuant to subdivision (e) may be sold or offered for sale, or installed in any structure that is subject to this part.

(e) The listing agencies, as approved by the department, shall publish in each listing agreement with ABS DWV pipe manufacturers a list of ABS resins and resin compounds used by that manufacturer and approved for use by the

listing agency. The approval of ABS resins and resin compounds shall be based on nationally recognized standards. The listing agencies shall consult with the affected parties.

Added Stats 1994 ch 990 § 1 (SB 1873). Amended Stats 1997 ch 580 § 4 (SB 320).

§ 17921.9. CPVC plastic piping; Safe work practices (Inoperative)

(a) The Legislature finds and declares all of the following:

(1) The deterioration of copper piping has become a serious problem in various communities in the state.

(2) Chlorinated polyvinyl chloride (CPVC) plastic piping has been successfully used for many years in other states and in nations around the globe, and has also been widely used, in accordance with federal regulations, in mobilehome construction.

(3) The Department of Community Development of the City of Colton, acting pursuant to a good-faith belief that it was in compliance with state regulations, approved the use of CPVC piping as an alternative to copper piping in early 1993 when the department was confronted with widespread deterioration of copper piping systems in a tract in the western part of that city.

(4) The retrofitting of homes in Colton with CPVC piping has been successful.

(b) It is, therefore, the intent of the Legislature in enacting this section to allow the use of CPVC piping in building construction in California as an alternate material under specified conditions.

(c) Notwithstanding any other provision of law, the provisions of the California Plumbing Code that do not authorize the use of CPVC piping within California shall not apply to any local government that permitted the use of CPVC piping for potable water systems within its jurisdiction prior to January 1, 1996. Any local government that permitted the use of CPVC piping for potable water systems within its jurisdiction prior to January 1, 1996, shall require both of the following:

(1) That the CPVC piping to be used is listed as an approved material in, and is installed in accordance with, the 1994 edition of the Uniform Plumbing Code.

(2) That all installations of CPVC strictly comply with the interim flushing procedures and worker safety measures set forth in subdivisions (d) and (e).

(d) The following safe work practices shall be adhered to when installing both CPVC and copper plumbing pipe in California after the effective date of the act that adds this section:

(1)(A) Employers shall provide education and training to inform plumbers of risks, provide equipment and techniques to help reduce exposures from plumbing pipe installation, foster safe work habits, and post signs to warn against the drinking of preoccupancy water.

(B) For purposes of this paragraph, “training” shall include training in ladder safety, safe use of chain saws and wood-boring tools, hazards associated with other construction trades, hazards from molten solder and flux, and the potential hazards and safe use of soldering tools and materials.

(2) Cleaners shall be renamed as primers, include strong warnings on the hazards of using primers as cleaners, and include dyes to discourage use as cleaners.

(3) Applicators and daubers shall be limited to small sizes.

(4) Enclosed spaces shall be ventilated with portable fans when installing CPVC pipe.

(5) Protective impermeable gloves shall be utilized when installing CPVC pipe.

(6) Employers shall provide onsite portable eyewash stations for all employees to allow for immediate flushing of eyes in the event of splashing of hot flux.

(7) Employers using acetylene torches shall ensure that the acetylene tanks are regularly maintained and inspected in accordance with applicable regulatory requirements. Fire extinguishers shall be kept in close proximity to the workplace.

(e) All of the following flushing procedures shall be adhered to when installing CPVC pipe in California after the effective date of the act that adds this section:

(1) When plumbing is completed and ready for pressure testing, each cold water and hot water tap shall be flushed starting with the fixture (basin, sink, tub, or shower) closest to the water meter and continuing with each successive fixture, moving toward the end of the system. Flushing shall be continued for at least one minute or longer until water appears clear at each fixture. This step may be omitted if a jurisdiction requires the building inspector to test each water system.

(2) The system shall be kept filled with water for at least one week and then flushed in accordance with the procedures set forth in paragraph (1). The system shall be kept filled with water and not drained.

(3) Before the premises are occupied, the hot water heater shall be turned on and the system shall be flushed once more. Commencing with the fixture closest to the hot water heater, the hot water tap shall be permitted to run until hot water is obtained. The time required to get hot water in a specific tap shall be determined and then the cold water tap at the same location shall be turned on for the same period of time. This procedure shall be repeated for each fixture in succession toward the end of the system.

(f) Nothing in this section shall be construed to affect the applicability of any existing law imposing liability on a manufacturer, distributor, retailer, installer, or any other person or entity under the laws of this state for liability.

(g) This section shall not be operative after January 1, 1998.

Added Stats 1995 ch 785 § 1 (AB 151), effective October 12, 1995. Inoperative January 1, 1998, by its own terms. Amended Stats 2004 ch 183

§ 197 (AB 3082).

§ 17921.10. Building standards; Environmentally preferable water using devices and measures

(a) The standards proposed by the department pursuant to Section 17921 may include voluntary best practice and mandatory requirements related to environmentally preferable water using devices and measures. The standards shall not unreasonably or unnecessarily impact the ability of Californians to purchase or rent affordable housing, as determined by taking account of the overall benefit derived from the standards.

(b) Nothing in this section shall in any way reduce the authority of the State Energy Resources Conservation and Development Commission to adopt standards and regulations or take other actions pursuant to Division 15 (commencing with Section 25000) of the Public Resources Code.

Added Stats 2007 ch 532 § 1 (AB 1560), effective January 1, 2008.

§ 17922. Building standards and rules and regulations; Uniform codes

(a) Except as otherwise specifically provided by law, the building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, and the other rules and regulations that are contained in Title 24 of the California Code of Regulations, as adopted, amended, or repealed from time to time pursuant to this chapter shall be adopted by reference, except that the building standards and rules and regulations shall include any additions or deletions made by the department. The building standards and rules and regulations shall impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes as adopted by the organizations specified:

(1) The Uniform Housing Code of the International Conference of Building Officials, except its definition of "substandard building."

(2) The Uniform Building Code of the International Conference of Building Officials.

(3) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

(4) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(5) The National Electrical Code of the National Fire Protection Association.

(6) Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

(b) In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for publication in the California Building Standards Code and in adopting other regulations, the department shall consider local conditions and any amendments to the uniform codes referred to in this section. Except as provided in Part 2.5 (commencing with Section 18901), in the absence of adoption by regulation, the most recent editions of the uniform codes referred to in this section shall be considered to be adopted one year after the date of publication of the uniform codes.

(c) Except as provided in Section 17959.5, local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

(d) Regulations other than building standards which are adopted, amended, or repealed by the department, and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, governing alteration and repair of existing buildings and moving of apartment houses and dwellings shall permit the replacement, retention, and extension of original materials and the continued use of original methods of construction as long as the hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the California Building Standards Code and the other rules and regulations of the department or alternative local standards adopted pursuant to subdivision (b) of Section 13143.2 or Section 17958.5 and does not become or continue to be a substandard building. Building additions or alterations which increase the area, volume, or size of an existing building, and foundations for apartment houses and dwellings moved, shall comply with the requirements for new buildings or structures specified in this part, or in building standards published in the California Building Standards Code, or in the other rules and regulations adopted pursuant to this part. However, the additions and alterations shall not cause the building to exceed area or height limitations applicable to new construction.

(e) Regulations other than building standards which are adopted by the department and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 governing alteration and repair of existing buildings shall permit the use of alternate materials, appliances, installations, devices, arrangements, or methods of construction if the material, appliance, installation, device, arrangement, or method is, for the purpose intended, at least the equivalent of that prescribed in this part, the building standards published in the California Building Standards Code, and the rules and regulations promulgated pursuant to the provisions of this part in performance, safety, and for the protection of life and health. Regulations governing abatement of substandard buildings shall permit those conditions prescribed by Section 17920.3 which do not endanger the life, limb, health, property, safety, or welfare of the public or the occupant thereof.

(f) A local enforcement agency may not prohibit the use of materials, appliances, installations, devices, arrangements, or methods of construction specifically permitted by the department to be used in the alteration or repair of existing

buildings, but those materials, appliances, installations, devices, arrangements, or methods of construction may be specifically prohibited by local ordinance as provided pursuant to Section 17958.5.

(g) A local ordinance may not permit any action or proceeding to abate violations of regulations governing maintenance of existing buildings, unless the building is a substandard building or the violation is a misdemeanor.

Added Stats 1961 ch 1844 § 8. Amended Stats 1963 ch 441 § 1; Stats 1965 ch 345 § 1; Stats 1969 ch 820 § 1; Stats 1970 ch 1436 § 1; Stats 1972 ch 1224 § 2; Stats 1974 ch 1268 § 4; Stats 1977 ch 847 § 3; Stats 1979 ch 62 § 4, effective May 14, 1979, ch 434 § 3, ch 1152 § 66; Stats 1983 ch 101 § 127, ch 129 § 1; Stats 1984 ch 908 § 1; Stats 1991 ch 173 § 1 (AB 204); Stats 2001 ch 159 § 129 (SB 662).

§ 17922.1. Modification of regulations by local agencies regarding housing affected by federal mining claims

Notwithstanding Section 17922, local agencies may modify or change the requirements published in the State Building Standards Code or contained in other regulations adopted by the department pursuant to Section 17922 if they make a finding that temporary housing is required for use in conjunction with a filed mining claim on federally owned property located within the local jurisdiction and that the modification or change would be in the public interest and consistent with the intent of the so–called Federal Mining Act of 1872 (see 30 U.S.C., Sec. 22, et seq.), relating to the development of mining resources of the United States.

Added Stats 1974 ch 1383 § 1. Amended Stats 1979 ch 1152 § 67; Stats 1983 ch 101 § 128.

§ 17922.2. Adoption by local jurisdictions of ordinances for mitigation of potentially hazardous buildings

(a) Notwithstanding any other provisions of this part, ordinances and programs adopted on or before January 1, 1993, that contain standards to strengthen potentially hazardous buildings pursuant to subdivision (b) of Section 8875.2 of the Government Code, shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions, as defined in subdivision (b), or based on an approved study pursuant to subdivision (c), or both. Ordinances and programs shall be updated in a timely manner to reflect changes in the model code, and more frequently if deemed necessary by local jurisdictions.

(b) For the purpose of subdivision (a), and notwithstanding the meaning of “local conditions” as used elsewhere in this part and in Part 2.5 (commencing with Section 18901), the term “local conditions” shall be limited to those conditions that affect the implementation of seismic strengthening standards on the following only:

(1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)).

(2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.

(3) The preservation of affordable housing.

(c) Any ordinance or program adopted on or before January 1, 1993, may include exceptions for local conditions not defined in subdivision (b) if the jurisdiction has approved a study on or before January 1, 1993, describing the effects of the exceptions. The study shall include socioeconomic impacts, a seismic hazards assessment, seismic retrofit cost comparisons, and earthquake damage estimates for a major earthquake, including the differences in costs, deaths, and injuries between full compliance with Appendix Chapter 1 of the Uniform Code for Building Conservation or the Uniform Building Code and the ordinance or program. No study shall be required pursuant to this subdivision if the exceptions for local conditions not defined in subdivision (b) result in standards or requirements that are more stringent than those in Appendix Chapter 1 of the Uniform Code for Building Conservation.

(d) Ordinances and programs adopted pursuant to this section shall conclusively be presumed to comply with the requirements of Chapter 173 of the Statutes of 1991.

Added Stats 1992 ch 346 § 1 (AB 2358), as H & S C § 17922.1. Amended Stats 1993 ch 1294 § 1 (AB 1904), effective October 11, 1993. Amended and renumbered by Stats 1994 ch 146 § 107 (AB 3601)(ch 1219 prevails), ch 1219 § 1 (SB 1988).

§ 17922.3. Provisions governing residential structure moved into jurisdiction of local agency or department

Notwithstanding any other provision of law, a residential structure that is moved into, or within, the jurisdiction of a local agency or the department, shall not be treated, for the purposes of Section 104 of the 1991 Edition of the Uniform Building Code, as a new building or structure, but rather shall be treated, for the purposes of this part, as subject to Section 17958.9.

Added Stats 1993 ch 288 § 1 (AB 1736), effective July 30, 1993.

§ 17922.5. Proof of compliance with occupational safety and health permit

Any state or local agency which issues building permits shall require, as a condition of issuing any building permit where the working conditions of the construction would require an employer to obtain a permit from the Division of Occupational Safety and Health pursuant to Chapter 6 (commencing with Section 6500) of Part 1 of Division 5 of the Labor Code, that proof be submitted showing that the employer has received such a permit from the Division of Occupational Safety and Health.

An employer may apply for a building permit prior to receiving the permit from the Division of Occupational Safety and Health.

Added Stats 1976 ch 33 § 3, effective March 6, 1976. Amended Stats 1981 ch 714 § 236; Stats 1982 ch 1464 § 1.

§ 17922.6. Adoption of minimum noise insulation standards for multi–occupant dwellings

(a) The Office of Noise Control in coordination with the department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18934) of Part 2.5 of this division and shall adopt, amend, and repeal rules and regulations other than building standards which establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single–family dwellings.

(b) Such requirements shall be based on performance in order to require compliance onsite where the hotel, motel, apartment house, or dwelling other than a detached single–family dwelling, is located.

(c) Such requirements shall be sufficient to protect persons within the hotel, motel, apartment house, or dwelling other than a detached single–family dwelling, from the effects of excessive noise, including, but not limited to, hearing loss or impairment and persistent interference with speech and sleep.

(d) The provisions of this section, the building standards published in the State Building Standards Code relating to noise insulation, and the other rules and regulations adopted pursuant to this section shall apply equally to those hotels, motels, apartment houses, and dwellings other than detached single–family dwellings, owned, operated, or maintained by any public entity. The department shall enforce such building standards published in the State Building Standards Code and such other rules and regulations with respect to any such hotel, motel, apartment house, or dwelling other than a detached single–family dwelling, which is not subject to the jurisdiction of any local building department.

(e) The provisions of this section, the building standards published in the State Building Standards Code relating to noise insulation, and the other rules and regulations adopted pursuant to this section shall not apply to detached single–family dwellings.

(f) Such other rules and regulations adopted by the Office of Noise Control shall become operative six months after their date of adoption.

(g) Sections 17925, 17958, 17958.5, and 17958.7 shall not apply to the provisions of this section.

Added Stats 1972 ch 1424 § 2. Amended Stats 1975 ch 1124 § 2; Stats 1979 ch 1152 § 68.

§ 17922.7. Imposition of minimum noise insulation standards by ordinances or regulations of public entities

(a) Except as otherwise provided in subdivisions (b) and (c), the governing body of every city, county, city and county, and public entity shall adopt ordinances or regulations imposing the same requirements as are published in the State Building Standards Code relating to noise insulation and as are contained in the other rules and regulations adopted pursuant to Section 17922.6 within six months after the date of publication in the State Building Standards Code or the date of adoption of such other rules and regulations. The building standards relating to noise insulation published in the State Building Standards Code and the other rules and regulations adopted pursuant to Section 17922.6 shall apply in any city, county, city and county, or to any hotel, motel, apartment house, or dwelling other than a detached single–family dwelling, which is owned, operated, or maintained by any public entity, if the appropriate governing body fails to adopt such ordinances or regulations within six months after such date of publication or adoption.

(b) In adopting such ordinances or regulations, the governing body of any city, county, city and county, or public entity may make such changes, modifications, or additions to the minimum requirements contained in such building standards relating to noise insulation published in the State Building Standards Code, or in the other rules and regulations adopted pursuant to Section 17922.6, as such governing body determines are reasonably necessary due to local conditions. The governing body may also impose noise insulation standards on a case by case basis on new single–family detached dwellings, if the governing body determines that such standards are necessary due to substantial noise generated by airports, roadways, or commercial and industrial activities immediately surrounding or adjacent to such proposed dwellings. Any local noise insulation standards adopted for single–family detached dwellings shall not exceed comparable standards for multifamily housing. The governing body shall find that ordinances or regulations, adopted pursuant to this subdivision, will require the dimunition of the noise levels permitted by the building standards relating to noise insulation published in the State Building Standards Code and in the other rules and regulations adopted pursuant to Section 17922.6.

(c) Prior to making such modifications, changes, or additions pursuant to subdivision (b), the governing body shall make an express finding that such modifications, changes, or additions are needed, which finding shall be available as a public record. A copy of such finding, together with the modification, change, or addition, shall be filed with the Office of Noise Control.

Added Stats 1972 ch 1424 § 3. Amended Stats 1975 ch 1124 § 3; Stats 1978 ch 1185 § 1; Stats 1979 ch 1152 § 69.

§ 17922.8. Advisory committee

The Office of Noise Control may appoint an advisory committee to assist the office in reviewing and revising the noise insulation standards previously adopted.

Added Stats 1975 ch 1124 § 4. Amended Stats 1997 ch 645 § 5 (AB 1071).

§ 17922.9. Legislative findings and declarations; Affordable housing; Exemption from local regulations

(a) The Legislature hereby finds and declares that the provision of an adequate level of affordable housing, in and of itself, is a fundamental responsibility of the state and that a generally inadequate supply of decent, safe, and sanitary housing affordable to persons of low and moderate income threatens orderly community and regional development, including job creation, attracting new private investment, and creating the physical, economic, social, and environmental conditions to support continued growth and security of all areas of the state.

The Legislature further finds and declares that many rural communities depend on mortgage financing available through the Farmers Home Administration and that the continued construction of affordable housing is a priority for the state. However, the Legislature, in requiring waiver of certain local requirements respecting adequacy of garages and carports and house size, does not endorse the restrictive Farmers Home Administration regulations that preclude financing of two–car garages and houses exceeding a maximum size.

The Legislature further finds and declares that inadequate housing supplies have a negative impact on regional development and are, therefore, a matter of statewide interest and concern.

(b) Notwithstanding any local ordinance, charter provision, or regulation to the contrary, if the applicant for a building permit for construction of a qualifying residential structure submits with the application a conditional loan commitment letter or letter of intent to finance issued by the Farmers Home Administration of the United States Department of Agriculture for the structure, the city, county, or city and county issuing the building permit shall not impose any requirement on the permit respecting the size or capacity of any appurtenant garage or carport or house size which exceeds the size or capacity that the Farmers Home Administration will finance under its then applicable regulations and policies. "Qualifying residential structure," as used in this section, means any single–family or multifamily residential structure financed by the Farmers Home Administration and which is restricted pursuant to federal law to ownership or occupancy by households with incomes not exceeding the income criteria for persons and families of low and moderate income, as defined by Section 50093, or more restrictive income criteria.

(c) This section does not preclude a city, county, or city and county from requiring the provision of one uncovered, paved parking space located outside the required setback and outside the driveway approach to the garage or covered parking space plus a garage or covered parking space that does not exceed the size and capacity allowed for Farmers Home Administration financing. However, this setback requirement may not exceed the setbacks applicable to single–family dwelling units in the same zoning district that have two–car garages.

Added Stats 1988 ch 97 § 1. Amended Stats 1994 ch 198 § 1 (AB 832), effective July 15, 1994.

§ 17922.12. Adoption of building standards for construction, installation, and alteration of graywater systems; Departmental requirements; Revision and updating of standards; Termination of department's authority

(a) For the purposes of this section, "graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

(b) Notwithstanding Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code, at the next triennial building standards rulemaking cycle that commences on or after January 1, 2009, the department shall adopt and submit for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses.

(c) In adopting building standards under this section, the department shall do all of the following:

(1) Convene and consult a stakeholder's group that includes members with expertise in public health, water quality, geology or soils, residential plumbing, home building, and environmental stewardship.

(2) Ensure protection of water quality in accordance with applicable provisions of state and federal water quality law.

(3) Consider existing research available on the environmental consequences to soil and groundwater of short-term and long-term graywater use for irrigation purposes, including, but not limited to, research sponsored by the Water Environment Research Foundation.

(4) Consider graywater use impacts on human health.

(5) Consider the circumstances under which the use of in-home graywater treatment systems is recommended.

(6) Consider the use and regulation of graywater in other jurisdictions within the United States and in other nations.

(d) The department may revise and update the standards adopted under this section at any time, and the department shall reconsider these standards at the next triennial rulemaking that commences after their adoption.

(e) The approval by the California Building Standards Commission of the standards for graywater systems adopted under this section shall terminate the authority of the Department of Water Resources to adopt and update standards for the installation, construction, and alteration of graywater systems in residential buildings pursuant to Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code.

Added Stats 2008 ch 172 § 1 (SB 1258), effective January 1, 2009.

§ 17923. Use of alternates; Approval; Proof of compliance

(a) The provisions of Section 17922 are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, the building standards published in the State Building Standards Code relating thereto, and the other rules and regulations promulgated pursuant thereto, providing such alternate has been approved. The department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part, the building standards published in the State Building Standards Code relating thereto, and the other rules and regulations promulgated pursuant thereto in performance, safety, and for the protection of life and health.

(b) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part, the building standards published in the State Building Standards Code relating thereto, and the other rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the department may require tests as proof of compliance to be made at the expense of the owner or his agent.

Added Stats 1961 ch 1844 § 8. Amended Stats 1978 ch 1185 § 2; Stats 1979 ch 1152 § 70.

§ 17924. Law governing promulgation of rules and regulations

Rules and regulations shall be promulgated pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and no state department, officer, board, agency, committee, or commission shall have power pursuant to the provisions of this part to publish building standards, as defined in Section 18909, but shall propose and submit those building standards as deemed necessary to carry out the provisions of this part for adoption and publishing pursuant to the provisions of Part 2.5 (commencing with Section 18901).

Added Stats 1961 ch 1844 § 8. Amended Stats 1973 ch 336 § 17; Stats 1979 ch 1152 § 71; Stats 1983 ch 101 § 129; Stats 1997 ch 645 § 6 (AB 1071).

§ 17925. Opposition to application of rule or regulation; Hearing; Determination of local appeals board

Except as provided in Section 17922.6, any person, firm, corporation, or governmental agency that opposes the application of any applicable building standard published in the State Building Standards Code or any other rule or regulation adopted by the department within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the building standard, rule, or regulation to be applied in the local area, the building standard, rule, or regulation shall have no application within that local area. A copy of the determination of the local appeals board, together with a report of the local conditions upon which the determination is based, shall be filed with the department pursuant to Section 17958.7.

Added Stats 1961 ch 1844 § 8. Amended Stats 1972 ch 1224 § 4; Stats 1979 ch 1152 § 72; Stats 1981 ch 714 § 237; Stats 1983 ch 101 § 130.

§ 17926. Carbon monoxide devices required; Number and placement; Violation; Local ordinance

(a) An owner of a dwelling unit intended for human occupancy shall install a carbon monoxide device, approved and listed by the State Fire Marshal pursuant to Section 13263, in each existing dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage, within the earliest applicable time period as follows:

(1) For all existing single-family dwelling units intended for human occupancy on or before July 1, 2011.

(2) For all existing hotel and motel dwelling units intended for human occupancy on or before January 1, 2016.

(3) For all other existing dwelling units intended for human occupancy on or before January 1, 2013.

(b) With respect to the number and placement of carbon monoxide devices, an owner shall install the devices in a manner consistent with building standards applicable to new construction for the relevant type of occupancy or with the manufacturer's instructions, if it is technically feasible to do so.

(c)(1) Notwithstanding Section 17995, and except as provided in paragraph (2), a violation of this section is an infraction punishable by a maximum fine of two hundred dollars ($200) for each offense.

(2) Notwithstanding paragraph (1), a property owner shall receive a 30-day notice to correct. If an owner receiving notice fails to correct within that time period, the owner may be assessed the fine pursuant to paragraph (2).

(d) No transfer of title shall be invalidated on the basis of a failure to comply with this section, and the exclusive remedy for the failure to comply with this section is an award of actual damages not to exceed one hundred dollars ($100), exclusive of any court costs and attorney's fees. This subdivision is not intended to affect any duties, rights, or remedies otherwise available at law.

(e) A local ordinance requiring carbon monoxide devices may be enacted or amended if the ordinance is consistent with this chapter.

(f) On or before July 1, 2014, the department shall submit for adoption and approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, building standards for the installation of carbon monoxide detectors in hotel and motel dwelling units intended for human occupancy. In developing these standards, the department shall do both of the following:

(1) Convene and consult a stakeholder group that includes members with expertise in multifamily dwellings, lodging,

maintenance, and construction.

(2) Review and consider the most current national codes and standards available related to the installation of carbon monoxide detection.

(g) For purposes of this section and Section 17926.1, "dwelling unit intended for human occupancy" has the same meaning as that term is defined in Section 13262.

Added Stats 2010 ch 19 § 4 (SB 183). Amended Stats 2012 ch 420 § 4 (SB 1394), effective January 1, 2013.

§ 17926.1. Maintenance of carbon monoxide devices in rented or leases dwelling units

(a) An owner or owner's agent of a dwelling unit intended for human occupancy who rents or leases the dwelling unit to a tenant shall maintain carbon monoxide devices in that dwelling unit consistent with this section and Section 17926.

(b) An owner or the owner's agent may enter any dwelling unit intended for human occupancy owned by the owner for the purpose of installing, repairing, testing, and maintaining carbon monoxide devices required by this section, pursuant to the authority and requirements of Section 1954 of the Civil Code.

(c) The carbon monoxide device shall be operable at the time that the tenant takes possession. A tenant shall be responsible for notifying the owner or owner's agent if the tenant becomes aware of an inoperable or deficient carbon monoxide device within his or her unit. The owner or owner's agent shall correct any reported deficiencies or inoperabilities in the carbon monoxide device and shall not be in violation of this section for a deficient or inoperable carbon monoxide device when he or she has not received notice of the deficiency or inoperability.

(d) This section shall not affect any rights which the parties may have under any other provision of law because of the presence or absence of a carbon monoxide device.

(e) For purposes of this section, with respect to a time-share project, "owner" means the homeowners' association of the time-share project.

Added Stats 2010 ch 19 § 5 (SB 183).

§ 17926.2. Temporary suspension of enforcement of carbon monoxide device regulations; Effect of change in building standards

(a) If the department, in consultation with the State Fire Marshal, determines that a sufficient amount of tested and approved carbon monoxide devices are not available to property owners to meet the requirements of the Carbon Monoxide Poisoning Prevention Act of 2009 and Sections 17926 and 17926.1, the department may suspend enforcement of the requirements of Sections 17926 and 17926.1 for up to six months. If the department elects to suspend enforcement of these requirements, the department shall notify the Secretary of State of its decision and shall post a public notice that describes its findings and decision on the departmental Internet Web site.

(b) If the California Building Standards Commission adopts or updates building standards relating to carbon monoxide devices, the owner or owner's agent, who has installed a carbon monoxide device as required by Section 17926 or 17926.1, shall not be required to install a new device meeting the requirements of those building standards within an individual dwelling unit until the owner makes application for a permit for alterations, repairs, or additions to that dwelling unit, the cost of which will exceed one thousand dollars ($1,000).

Added Stats 2010 ch 19 § 6 (SB 183).

§ 17927. Garage door springs

The department shall propose the adoption, amendment, or repeal of building standards pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for garage door springs for installation in garages which are accessory to apartment houses, hotels, motels, and dwellings as the department determines are reasonably necessary to prevent the death or injury of persons or damage to property resulting from the breaking of the garage door springs. Except as otherwise provided in this part, the department shall enforce building standards published in the California Building Standards Code relating to garage door springs and other rules and regulations adopted by the department pursuant to this section.

No garage door spring which violates the provisions of any building standard published in the California Building Standards Code relating to garage door springs or any other rule or regulation adopted by the department pursuant to this section shall be sold or offered for sale, or installed in any garage which is accessory to an apartment house, hotel, motel, or dwelling, on or after the date of publication of the building standard or the effective date of the rule or regulation.

Added Stats 1974 ch 150 § 1. Amended Stats 1979 ch 1152 § 73; Stats 1983 ch 101 § 131; Stats 1997 ch 645 § 7 (AB 1071).

§ 17928. Green building guidelines and standards; Report

(a)(1) The Department of Housing and Community Development shall, for building standards submitted to the California Building Standards Commission for adoption in the 2010 California Building Code or later, do all the following:

(A) Review relevant green building guidelines as deemed necessary by the department when preparing proposed building standards for submittal.

(B) Consider proposing as mandatory building standards those green building features determined by the department to be cost effective and feasible to promote greener construction.

(2) Nothing in this subdivision shall be construed to supplant or otherwise change the existing process for approval and adoption of building standards through the California Building Standards Commission.

(b)(1) The department shall also summarize in a report to the Legislature no later than September 1 of each year, both of the following:

(A) Green building features proposed as building standards during the prior fiscal year.

(B) Green building guidelines reviewed pursuant to subdivision (a) during the prior fiscal year.

(2) For those items required by this subdivision already included in other reports provided to the Legislature or generally available, the department may fulfill this requirement by citing where that information can be found.

Added Stats 2008 ch 751 § 49 (AB 1389), effective September 30, 2008.

Chapter 3 APPEALS

§ 17930. Appeals alleging erroneous or unlawful application

Except as provided in Section 18945, the director or the director's designee shall hear appeals brought by any person as to the application of any rule or regulation promulgated pursuant to this part, except a building standard published in the State Building Standards Code, to such person under any facts and circumstances presented to the director or the director's designee by the person alleging that the application or enforcement of any other rule or regulation by the department under the facts and circumstances is an erroneous or unlawful application or enforcement of the other rule or regulation by the department. Any appeal shall be submitted through the designated local agency.

Any appeal alleging erroneous or unlawful application by the department of a building standard published in the State Building Standards Code may be brought pursuant to the provisions of Chapter 5 (commencing with Section 18945) of Part 2.5.

The director or the director's designee shall not, however, hear any appeals regarding local regulations which have been adopted pursuant to Sections 17958.5 and 17958.7.

Added Stats 1961 ch 1844 § 8, as H & S C § 17937. Amended and renumbered by Stats 1968 ch 1018 § 7; Stats 1972 ch 1224 § 5; Stats 1979 ch 1152 § 74; Stats 1982 ch 1020 § 1.

§ 17931. Law governing rules pertaining to hearing appeals

The department may promulgate rules pertaining to hearing appeals. All rules shall be made in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Added Stats 1961 ch 1844 § 8, as H & S C § 17935. Amended and renumbered by Stats 1968 ch 1018 § 6; Stats 1982 ch 1020 § 2.

§ 17932. Decision

A decision of the director or the director's designee made pursuant to Section 17930 is final, except for such action as may be taken by a court as permitted or required by law.

Added Stats 1961 ch 1844 § 8, as H & S C § 17938. Amended and renumbered by Stats 1968 ch 1018 § 8; Stats 1982 ch 1020 § 3.

Chapter 4 APPLICATION AND SCOPE

§ 17950. Application of this part

The provisions of this part, the building standards published in the State Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part which relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, apply in all parts of the state.

Added Stats 1961 ch 1844 § 8. Amended Stats 1965 ch 1033 § 2; Stats 1979 ch 1152 § 75.

§ 17951. Local fees under this part; Reimbursement of permit fees for failure to timely inspect; Approval of alternate material, installation, construction, etc.; Proof of compliance

(a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) If the local enforcement agency fails to conduct an inspection of permitted work for which permit fees have been charged pursuant to this section within 60 days of receiving notice of the completion of the permitted work,

the permittee shall be entitled to reimbursement of the permit fees. The local enforcement agency shall disclose in clear language on each permit or on a document that accompanies the permit that the permittee may be entitled to reimbursement of permit fees pursuant to this subdivision.

(e)(1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, multiunit manufactured home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case–by–case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

Added Stats 1961 ch 1844 § 8. Amended Stats 1970 ch 1436 § 2; Stats 1978 ch 1185 § 3; Stats 1979 ch 729 § 3, ch 1152 § 76.5; Stats 1981 ch 914 § 8; Stats 1990 ch 1572 § 24 (AB 3228); Stats 1993 ch 413 § 2 (AB 765), effective September 20, 1993 (AB 765); Stats 2000 ch 471 § 5 (AB 2008); Stats 2003 ch 814 § 2 (SB 306); Stats 2004 ch 144 § 1 (SB 1815).

§ 17952. Enforcement by department in city or county; Notice of violation; Hearing and decision; Costs

(a) In the event of nonenforcement of this part, or the building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part, such provisions, building standards or other rules and regulations shall be enforced by the department in any city or county after the department has given written notice to the governing body of that city or county or fire protection district, as the case may be, of a violation of this part, those building standards, or the other rules or regulations promulgated pursuant to the provisions of this part and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of that notice. The city or county or fire protection district may request a hearing before the department pursuant to Section 17930 within the 30 days to show cause for nonenforcement. Enforcement by the department shall not be initiated until the decision of the department, adverse to the city or county or fire protection district, is rendered.

(b) In the event of enforcement by the department pursuant to subdivision (a), the costs incurred by the department for such enforcement shall be borne by such city, or county, or city and county, or fire protection district. The department may assess fees to defray the costs of enforcement, thereby reducing the cost to be borne by the city, county, city and county, or fire protection district, but the department need not assess such fees and may not require the city, county, city and county, or fire protection district to assess fees to offset department costs.

Added Stats 1961 ch 1844 § 8. Amended Stats 1963 ch 1999 § 1; Stats 1968 ch 1018 § 12; Stats 1972 ch 1224 § 6; Stats 1979 ch 62 § 5, effective May 14, 1979, ch 729 § 4, ch 1152 § 77.5; Stats 1997 ch 645 § 8 (AB 1071).

§ 17953. Ordinance requiring preliminary soil report; Waiver

Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report, prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations, of every subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code.

The preliminary soil report may be waived if the building department of the city, county or city and county, or other enforcement agency charged with the administration and enforcement of the provisions of this part, shall determine that, due to the knowledge such department has as to the soil qualities of the soil of the subdivision or lot, no preliminary analysis is necessary.

Added Stats 1965 ch 1001 § 1. Amended Stats 1975 ch 24 § 27, effective April 4, 1975.

§ 17954. Soil investigation where report indicates soil problems

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, such ordinance shall require a soil investigation of each lot in the subdivision.

The soil investigation shall be prepared by a civil engineer who is registered in this state. It shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.

Added Stats 1965 ch 1001 § 2.

§ 17955. Approval of soil investigation; Recommended action as condition to building permit; Appeal

The building department of each city, county, or city and county, or other enforcement agency charged with the administration and enforcement of the provisions of this part, shall approve the soil investigation if it determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed. As a condition to the building permit, the ordinance shall require that the approved recommended action be incorporated in the construction of each dwelling. Appeal from such determination shall be to the local appeals board.

Added Stats 1965 ch 1001 § 3.

§ 17956. Exemption from liability for injury

A city, county, or city and county or other enforcement agency charged with the administration and enforcement of the provisions of this part, is not liable for any injury which arises out of any act or omission of the city, county or city and county, or other enforcement agency, or a public employee or any other person under Section 17953, 17954, or 17955.

Added Stats 1965 ch 1001 § 4.

§ 17957. Ordinance prescribing alternate procedure

The governing body of any city, county, or city and county may enact an ordinance prescribing an alternate procedure which is equal to or more restrictive than the procedure specified in Sections 17953, 17954, and 17955.

Added Stats 1965 ch 1001 § 5.

§ 17958. Ordinances or regulations imposing requirements pursuant to § 17922

Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

Added Stats 1984 ch 908 § 3. Amended Stats 1997 ch 645 § 9 (AB 1071).

§ 17958.1. Authorization for counties and cities to permit efficiency units

Notwithstanding Sections 17922, 17958, and 17958.5, a city or county may, by ordinance, permit efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities, as specified by the ordinance. In all other respects, these efficiency units shall conform to minimum standards for those occupancies otherwise made applicable pursuant to this part.

"Efficiency unit," as used in this section, has the same meaning specified in the Uniform Building Code of the International Conference of Building Officials, as incorporated by reference in Chapter 2–12 of Part 2 of Title 24 of the California Code of Regulations.

Added Stats 1987 ch 208 § 1. Amended Stats 1997 ch 645 § 10 (AB 1071).

§ 17958.2. Regulations for limited–density owner–built rural dwellings

(a) Notwithstanding Section 17958, regulations of the department adopted for limited–density owner–built rural dwellings, which are codified in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, shall not become operative within any city or county unless and until the governing body of the city or county makes an express finding that the application of those regulations within the city or county is reasonably necessary because of local conditions and the city or county files a copy of that finding with the department.

(b) In adopting ordinances or regulations for limited–density owner–built rural dwellings, a city or county may make any changes or modifications in the requirements contained in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations that it determines are reasonably necessary because of local conditions, if the city or county files a copy of the changes or modifications and the express findings for the changes or modifications with the department. No change or modification of that type shall become effective or operative for any purpose until the finding and the change or modification has been filed with the department.

Added Stats 1980 ch 130 § 1. Amended Stats 1980 ch 1238 § 8, effective September 29, 1980; Stats 1983 ch 101 § 132; Stats 2000 ch 471 § 6 (AB 2008).

§ 17958.3. Locking mail receptacle required; Installation and maintenance

(a) All residential hotels, as defined by paragraph (1) of subdivision (b) of Section 50519, shall provide a locking mail receptacle for each residential unit, consistent with the applicable standards for apartment housing mail receptacles in the United States Postal Service Domestic Mail Manual. Installation and maintenance of each mail receptacle shall meet all of the specifications and requirements of the United States Postal Service.

(b) Notwithstanding the date of construction of the residential hotel, each mail receptacle shall comply with the requirements of the Fair Housing Act (42 U.S.C. Sec. 3601).

(c) Notwithstanding Sections 17922, 17958, and 17958.5, a city, county, or city and county may enact and enforce ordinances which provide greater protections, additional standards, and increased remedies with respect to the provision of a locking mail receptacle for each residential unit in a residential hotel.

(d) This section shall become operative on July 1, 2008.

Added Stats 2007 ch 599 § 2 (AB 607), effective January 1, 2008, operative July 1, 2008.

§ 17958.4. Standards for safety release mechanisms on security window bars; Disclosures

(a) Any city, county, or city and county, may, by ordinance, establish a date by which all residential real property with security window bars on bedroom windows shall meet current state and local requirements for safety release mechanisms on security window bars consistent with the applicable standards in the 1995 edition of the California Building Standards Code, or, for safety release mechanisms on security window bars installed on or after January 1, 2008, the current edition of the California Building Standards Code, and any changes thereto made by the city, county, or city and county pursuant to Section 17958.

(b) Disclosures of the existence of any safety release mechanism on any security window bar shall be made in writing, and may be included in existing transactional documents including, but not limited to, a real estate sales contract or receipt for deposit, or a transfer disclosure statement pursuant to Section 1102.6 or 1106.6a of the Civil Code.

(c) Enforcement of an ordinance adopted pursuant to subdivision (a) shall not apply as a condition of occupancy or at the time of any transfer that is subject to the Documentary Transfer Tax Act, Part 6.7 (commencing with Section 11901) of the Revenue and Taxation Code.

Added Stats 1996 ch 926 § 3 (AB 3026), operative July 1, 1997. Amended Stats 2007 ch 596 § 5 (AB 382), effective January 1, 2008.

§ 17958.5. Changes or modifications by city or county due to local conditions

Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make those changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922, including, but not limited to, green building standards, as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions.

For purposes of this section, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, including, but not limited to, green building standards, contained in the provisions of the code and regulations on the basis of local conditions.

Added Stats 1970 ch 1436 § 4. Amended Stats 1979 ch 1152 § 79; Stats 1980 ch 130 § 2, ch 1238 § 9, effective September 29, 1980; Stats 1984 ch 908 § 4; Stats 1985 ch 282 § 1; Stats 1990 ch 1083 § 7 (SB 1830), ch 1111 § 7 (AB 2666); Stats 1997 ch 645 § 11 (AB 1071); Stats 2009 ch 89 § 1 (AB 210), effective January 1, 2010.

§ 17958.7. Finding prerequisite to modification or change

(a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

Added Stats 1970 ch 1436 § 5. Amended Stats 1972 ch 1224 § 8; Stats 1974 ch 1268 § 5; Stats 1976 ch 356 § 1; Stats 1977 ch 847 § 3.4; Stats 1979 ch 1152 § 80; Stats 1980 ch 1238 § 10, effective September 29, 1980, ch 1295 § 2; Stats 1984 ch 908 § 5; Stats 1997 ch 645 § 12 (AB 1071).

§ 17958.8. Local ordinances or regulations governing alterations and repair of existing buildings

Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction for any building or accessory structure subject to this part, including a hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, as long as the portion of the building and structure subject to the replacement, retention, or extension of

original materials and the use of original methods of construction complies with the building code provisions governing that portion of the building or accessory structure at the time of construction, and the other rules and regulations of the department or alternative local standards governing that portion at the time of its construction and adopted pursuant to Section 13143.2 and the building or accessory structure does not become or continue to be a substandard building.

Added Stats 1974 ch 1268 § 6. Amended Stats 1979 ch 1152 § 81; Stats 1983 ch 101 § 133; Stats 2000 ch 471 § 7 (AB 2008); Stats 2003 ch 474 § 2 (AB 1034).

§ 17958.9. Local ordinances or regulations governing moving of apartment houses and dwellings

Local ordinances or regulations governing the moving of apartment houses and dwellings shall, after July 1, 1978, permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundation applicable to new construction, and does not become or continue to be a substandard building.

Added Stats 1977 ch 847 § 3.6. Amended Stats 1979 ch 1152 § 82; Stats 1993 ch 288 § 2 (AB 1736), effective ~~July 30~~ August 2, 1993.

§ 17958.11. Alternative building regulations; Conversion of commercial or industrial buildings to "joint living and work quarters"

(a) Any city or county may adopt alternative building regulations for the conversion of commercial or industrial buildings, or portions thereof, to joint living and work quarters. As used in this section, "joint living and work quarters" means residential occupancy by a family maintaining a common household, or by not more than four unrelated persons, of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which include (1) cooking space and sanitary facilities in conformance with local building standards adopted pursuant to Section 17958 or 17958.5 and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.

The alternative building regulations adopted pursuant to this section shall be applicable in those geographic areas specifically designated for such occupancy, or as expressly permitted by a redevelopment plan with respect to a redevelopment project area. The alternative building regulations need not impose the same requirements as regulations adopted pursuant to Section 17922, except as otherwise provided in this section, but in permitting repairs, alterations, and additions necessary to accommodate joint living and work quarters, the alternative building regulations shall impose such requirements as will, in the determination of the local governing body, protect the public health, safety, and welfare.

(b) The Legislature hereby finds and declares that a substantial number of manufacturing and commercial buildings in urban areas have lost manufacturing and commercial tenants to more modern manufacturing and commercial premises, and that the untenanted portions of such buildings constitute a potential resource capable, when appropriately altered, of accommodating joint living and work quarters which would be physically and economically suitable particularly for use by artists, artisans, and similarly-situated individuals. The Legislature further finds that the public will benefit by making such buildings available for joint living and work quarters for artists, artisans, and similarly-situated individuals because (1) conversion of space to joint living and work quarters provides a new use for such buildings contributing to the revitalization of central city areas, (2) such conversion results in building improvements and rehabilitation, and (3) the cultural life of cities and of the state as a whole is enhanced by the residence in such cities of large numbers of persons regularly engaged in the arts.

(c) The Legislature further finds and declares that (1) persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings, (2) the financial remunerations to be obtained from a career in the arts are generally small, (3) persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence, (4) high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work, and (5) the residential use of such space is accessory to the primary use of such space as a place of work.

It is the intent of the Legislature that local governments have discretion to define geographic areas which may be utilized for joint living and work quarters and to establish standards for such occupancy, consistent with the needs and conditions peculiar to the local environment. The Legislature recognizes that building code regulations applicable to residential housing may have to be relaxed to provide joint living and work quarters in buildings previously used for commercial or industrial purposes.

Added Stats 1979 ch 434 § 3.5.

§ 17959. [Section repealed 1984.]

Added Stats 1976 ch 670 § 1. Repealed Stats 1984 ch 888 § 2. The repealed section related to local legislation requiring solar heating or nocturnal cooling device capability.

§ 17959. Consideration of proposed universal design guidelines for home construction or home modification; Develpment of guidelines and model ordinance; Changes or modifications in excess of California Building Standards Code; Filing copy of ordinance

(a) No later than December 31, 2003, the department shall consider proposed universal design guidelines for home construction or home modifications which may be submitted by the California Department of Aging, the California Commission on Aging, the Department of Rehabilitation, the office of the State Architect of the Department of General Services, the office of the State Fire Marshal, the California Building Standards Commission, or other state departments. Thereafter, the department, without significantly impacting housing cost and affordability, shall, in consultation with these agencies, develop guidelines and at least one model ordinance for new construction and home modifications that is consistent with the principles of universal design as promulgated by the Center for Universal Design at North Carolina State University or other similar design guidelines that enhance the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences and functional abilities. In developing these guidelines and model ordinances, the department also shall meet with, and solicit information from, individuals and organizations representing individuals and entities with interests in construction, local governments, the health and welfare of senior citizens and persons with disabilities, architects, and others with expertise in these design and living issues. The department shall ensure that at least three meetings subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of the Government Code) shall occur, that shall include opportunities for government agencies, individuals, and organizations identified in this subdivision to participate and comment on proposed guidelines or draft model ordinances.

(b)(1) In addition to the authority granted by Sections 17958.5 and 18941.5, and for the purposes of this section, a city, county, or city and county may, by ordinance, make changes or modifications in addition to or in excess of the requirements contained in the California Building Standards Code adopted pursuant to Sections 17922 and 18928 if the city, county, or city and county makes a finding that the changes and modifications are reasonably necessary and are substantially the same as the guidelines or model ordinances adopted pursuant to subdivision (a). In no case shall the changes or modifications be less restrictive than the requirements published in the California Building Standards Code.

(2) A city, county, or city and county adopting an ordinance pursuant to this subdivision shall file a copy of the ordinance and the findings with the department. No such ordinance shall become effective or operative for any purpose until the findings and the ordinance have been filed with the department. The department may review the findings and each ordinance to evaluate their consistency with this subdivision, and shall provide written comments to the adopting entity as to any such evaluation.

(c)(1) In a city, county, or city and county where a universal design ordinance has not been adopted pursuant to subdivision (b), developers of housing for senior citizens, persons with disabilities, and other persons and families are encouraged, but not required, to seek information and assistance from the department and the California Department of Aging regarding the principles of universal design specified in subdivision (a) and consider those principles in their construction.

(2) The department, the California Department of Aging, and any other interested state agency also may, to the extent feasible, disseminate information to interested persons and entities in all parts of the state regarding the principles of universal design and their relationship to new construction and home modifications.

(d) Subdivision (b) shall become operative on January 1, 2005.

Added Stats 2002 ch 726 § 3 (AB 2787).

§ 17959.1. Issuance of permit by city or county; Denial of permit; Standards of system

(a) A city or county shall administratively approve applications to install solar energy systems though the issuance of a building permit or similar nondiscretionary permit. However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(b) A city or county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This finding shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(c) Any conditions imposed on an application to install a solar energy system must be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(d)(1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited

testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(e) The following definitions apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost effective method, condition, or mitigation imposed by a city or county on another similarly situated application in a prior successful application for a permit. A city or county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) "Solar energy system" has the meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(3) A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Added Stats 2004 ch 789 § 6 (AB 2473).

§ 17959.3. Authority to adopt ordinances or regulations encouraging passive solar energy design

(a) It is the intent of the Legislature to encourage the use of passive solar energy design. The Legislature recognizes that building code regulations with regard to natural light and ventilation standards have to be modified to permit existing buildings to be retrofitted with passive solar energy.

(b) Notwithstanding Section 17922, any city or county may by ordinance or regulation permit windows required for light and ventilation of habitable rooms in dwellings to open into areas provided with natural light and ventilation which are designed and built to act as passive solar energy collectors.

(c) On or before September 1, 1999, the department shall, after consulting with the State Energy Resources Conservation and Development Commission, prepare, adopt, and submit building standards to implement the provisions of this section for approval as part of the California Building Standards Code pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5.

Added Stats 1983 ch 873 § 1. Amended Stats 1998 ch 689 § 10 (SB 1362), operative until September 1, 1999; Stats 1999 ch 643 § 10.5 (AB 1679). Effective January 1, 2000.

§ 17959.4. Deferral of effective date of orders of abatement; Termination

The housing appeals board may, in cases of extreme hardship to owner–occupants or tenants of dwellings, provide for deferral of the effective date of orders of abatement. Any deferral of the effective date of an order of abatement under this section shall terminate upon any sale or transfer of the dwelling by the owner–occupant but shall not terminate upon the sale or transfer of the dwelling if the dwelling is occupied by a tenant other than the owner–occupant.

Added Stats 1977 ch 847 § 4. Amended Stats 1985 ch 1279 § 4.

§ 17959.5. Variances from local use zone requirements

The housing appeals board may, upon appeal or upon application by the owner, grant variances from local use zone requirements in order to permit an owner–occupant of a dwelling to construct an addition to a dwelling to meet occupancy standards relating the number of persons in a household to the number of rooms or bedrooms. This power of the housing appeals board shall be in addition to, and shall not otherwise affect, the power of other governmental boards and agencies to allow local use zone variances.

Added Stats 1977 ch 847 § 5.

§ 17959.6. Accessibility to persons with disabilities; List of features to be provided to buyer by developer

(a) Ninety days after the Department of Housing and Community Development certifies and makes available a standard form pursuant to subdivision (h), but in no event sooner than July 1, 2004, for housing developments for which a building permit application is submitted on or after that date, a developer of any new for–sale residential housing development, including, but not limited to, a single family dwelling, duplex, triplex, townhouse, condominium, or other homes, shall provide to a buyer a list of universal accessibility features that would make the home entrance, interior routes of travel, the kitchen, and the bathrooms fully accessible to persons with disabilities.

(b)(1)(A) The list shall include the features described in paragraphs (2) to (7), inclusive, and any others that the developer deems necessary or appropriate to effectuate the purposes of this section.

(B) To the extent that any of the features described in paragraphs (2) to (7), inclusive, are included in Chapter 11A of the California Building Code (Part 2 of Title 24 of the California Code of Regulations), they shall be listed consistent with, and shall be installed in a manner at least consistent with, that chapter. A developer that lists and installs materials and features in a manner at least consistent with Chapter 11A or successor chapters of the California Building Code, shall be deemed to be in compliance with the requirements of this subparagraph. Other features shall be listed and installed in a manner appropriate to effectuate the purposes of this section.

(C) Notwithstanding subparagraph (B), the developer and buyer may agree in writing to different standards than those provided in subparagraph (B) if the different standards and their deviation from the standards in subparagraph

(B) are clearly disclosed.

(2) General external adaptations:

(A) Accessible route of travel to the dwelling unit.

(B) Accessible landscaping of the side and rear yards.

(C) Accessible route from the garage or parking area to the dwelling unit primary and secondary entries.

(3) Doors, openings, and entries:

(A) Accessible primary front door, doorway, and threshold.

(B) Accessible interior doors and doorways.

(C) Accessible secondary exterior doors, doorways, and thresholds.

(D) Accessible levered handles on all specified doors.

(E) An entry door sidelight or high and low peephole viewers.

(F) Visual fire alarms and visual doorbells.

(G) Accessible sliding glass door.

(4) General interior adaptations:

(A) Accessible routes to at least one bedroom, bathroom, and kitchen from the primary entrance.

(B) Accessible switches, outlets, and thermostats.

(C) Visual fire alarms and visual doorbells.

(D) Rocker light switches.

(E) Closet rods and shelves adjustable from three feet to five feet six inches high.

(F) A residential elevator or lift.

(G) If provided, a service porch with accessible workspace, cabinets, and appliances.

(5) Kitchen:

(A) Adequate accessible clear floorspace at appliances.

(B) Repositionable sink and countertop workspaces.

(C) Accessible cabinets and drawers, including pullout shelves, bread boards, and Lazy Susans.

(D) Accessible sink features and controls.

(E) Accessible built–in or provided appliances, including refrigerator, stove, oven, dishwasher, and countertop microwave or convection oven.

(F) Enhancements such as a contrasting color edge at countertops, contrasting floor designs marking accessible routes and work areas, antiscald device on plumbing fixtures, and undercabinet lighting.

(6) Bathrooms and powder rooms (applicable to one or more bathrooms, at the option of the buyer):

(A) Grab bar backing and grab bars in all requested locations.

(B) Accessible clear floorspace and turning circles.

(C) Accessible sink (lavatory) with adequate knee space and protection.

(D) Accessible toilet (water closet).

(E) Accessible roll–in shower in lieu of a standard tub or shower.

(F) Accessible faucet handles and an adjustable handheld showerhead.

(G) Enhancements such as a contrasting color edge at countertops, contrasting floor designs marking accessible routes and work areas, and antiscald device on plumbing fixtures.

(7) Any other external or internal feature requested at a reasonable time by the buyer that is reasonably available and reasonably feasible to install or construct and makes the residence more usable for a person with disabilities in order to accommodate any type of disability.

(c) For each feature on the list required by subdivision (b), the developer shall indicate whether the feature is standard, limited, optional, or not available.

(d) If a developer chooses to offer those features listed in subdivision (b) as modifications that may be made to a home, the developer shall indicate on the list required by subdivision (b) at what point in the construction process the buyer must notify the developer that the buyer wishes to purchase the features.

(e) If a local jurisdiction adopts a model ordinance developed pursuant to Section 17959 that requires developers to provide standard or optional accessibility features in homes described in subdivision (b), a developer subject to that ordinance is required to include on the list required by subdivision (b) only those features beyond those required by the ordinance.

(f) Nothing in this section shall be construed to require a developer to provide the features listed in subdivision (b) during the construction process or at any other time, unless the developer has offered to provide a feature and the buyer has requested it and agreed to provide payment.

(g) Any willful violation by a developer of this section shall be punishable by a civil penalty of five hundred dollars ($500).

(h) The department may adopt regulations that it determines are necessary and appropriate for the use and enforcement of this section. The regulations may include, but not be limited to, providing specificity to any features not otherwise covered as mandatory features in Chapter 11A or 11B of the California Building Code, additional mandatory requirements for forms, and additional procedures for offer or acceptance of features. The department may develop, certify, and make available a standard form providing the information required by this section, except for costs, and that standard form shall be exempt from adoption pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). A developer's use of a form substantially

the same as that developed and distributed by the department shall be deemed to comply with this section.

(i) Pursuant to Section 17959, upon adoption by the department of guidelines or a model ordinance that defines those features deemed to provide universal accessibility, those guidelines or that model ordinance shall supersede the features listed in subdivision (b).

(j) This section shall not be construed to require action by the California Building Standards Commission pursuant to the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code).

Added Stats 2003 ch 648 § 1 (AB 1400).

Chapter 5 ADMINISTRATION AND ENFORCEMENT

Article 1 Enforcement Agencies

§ 17960. Enforcement by city or county building department

The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

Added Stats 1961 ch 1844 § 8. Amended Stats 1965 ch 546 § 1; Stats 1979 ch 1152 § 83.

§ 17960.1. Temporary employment of private entity or person to check plans and specifications

(a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan–checking function.

(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan–checking services.

(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.

(d) When there is an excessive delay in checking plans and specifications submitted as a part of an application for a residential building permit, the local agency shall, upon request of the applicant, contract with or employ a private entity or persons on a temporary basis to perform the plan–checking function subject to subdivisions (b) and (c).

(e) For purposes of this section:

(1) “Enforcement agency” means the building department or building division of a local agency.

(2) “Excessive delay” means the enforcement agency of a local agency has taken either of the following:

(A) More than 30 days after submittal of a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications which are suitable for checking. For a discretionary building permit, the time period specified in this paragraph shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

(B) Including the days actually taken in (A), more than 45 days to complete the checking of the resubmitted corrected plans and specifications suitable for checking after the enforcement agency had returned the plans and specifications to the applicant for correction.

(3) “Local agency” means a city, county, or city and county.

(4) “Residential building” means a one–to–four family detached structure not exceeding three stories in height.

Added Stats 1983 ch 846 § 1. Amended Stats 1992 ch 839 § 1 (AB 3101).

§ 17960.5. Inapplicability of specified residential building standards

The building standards for residential buildings in Chapter 2–53 of Part 2, and Chapter 4–10 of Part 4, of Title 24 of the California Administrative Code effective July 13, 1982, shall not apply to the construction of new residential housing projects which received approval by an advisory agency or other appropriate local agency on or before June 15, 1982, provided application for the permits to construct single–family detached dwellings are submitted or filed on or before June 15, 1983, and the application for all other residential building permits are submitted or filed on or before December 31, 1983.

For the purposes of this section, “approval” includes, but is not limited to, approval or conditional approval of a tentative subdivision or tentative parcel map or parcel map pursuant to the Subdivision Map Act (Division 2

(commencing with Section 66410) of Title 7 of the Government Code), condominium plan or other permit for a residential housing project.

Added Stats 1982 ch 507 § 1, effective July 13, 1982.

§ 17960.10. Referrals to certain agencies for financing or assisting in residential rehabilitation or repair

The building department, housing department, or health department enforcing any of the provisions of this part may develop a list of public or publicly funded private agencies that finance or assist residential rehabilitation or repair activities for real property owners or renters. Notwithstanding any other provision of law, the staff of that department may provide written or oral referrals to any of those financing or assistance agencies in conjunction with, or as a result of, any inspection, notice of violation, or other activity and may include on the list any loan or grant program operated by the city, county, or city and county employing that staff.

Added Stats 2003 ch 474 § 3 (AB 1034).

§ 17961. Enforcement by housing or health department or environmental agency

(a) The housing or building department or, if there is no building department acting pursuant to this section, the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275, shall enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. The health department or the environmental agency may, in conjunction with a local housing or building department acting pursuant to this section, enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. Each department and agency, as applicable, shall coordinate enforcement activities with each other and interested departments and agencies in order to avoid unnecessary duplication.

(b) Notwithstanding subdivision (a), the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275 may, in addition to the local building or housing department, if any, enforce within its jurisdiction the provisions of Section 17920.10 and shall coordinate enforcement activities with other interested departments and agencies in order to avoid unnecessary duplication.

(c) The State Department of Public Health ~~Services~~ may enforce Section 17920.10 if any local agency or department specified in subdivisions (a) and (b) enters into a written agreement, approved and published pursuant to local government procedures, with the State Department of Public Health ~~Services~~ to enforce that section, or provides the State Department of Public Health ~~Services~~ with a written request to enforce that section for a specific case following the identification of a lead poisoned child in that jurisdiction.

Added Stats 1961 ch 1844 § 8. Amended Stats 1965 ch 546 § 2; Stats 1979 ch 1152 § 84; Stats 1982 ch 1545 § 2; Stats 1996 ch 1023 § 204 (SB 1497), effective September 29, 1996; Stats 2002 ch 931 § 2 (SB 460); Stats 2013 ch 89 § 3 (SB 488). Effective January 1, 2014.

§ 17962. Enforcement by fire chiefs or representatives

The chief of any city or any county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas all those provisions of this part, the building standards published in the State Building Standards Code relating to fire and panic safety, and those rules and regulations promulgated pursuant to the provisions of this part pertaining to fire prevention, fire protection, the control of the spread of fire, and safety from fire or panic.

Added Stats 1961 ch 1844 § 8, as H & S C § 17961.5. Amended and renumbered by Stats 1979 ch 1152 § 85. Amended Stats 1980 ch 118 § 11.

§ 17964. Designation of enforcement department or officer by city or county

By charter, ordinance, or resolution, a city, county, or city and county may designate and charge a department organized to carry out the purposes of this part, or an officer charged with the responsibility of carrying out this part, with the enforcement of this part, the building standards published in the California Building Standards Code, or any other rules and regulations adopted pursuant to this part for the protection of the public health, safety, and general welfare as set forth in Section 17921. However, this section shall apply to the duties and responsibilities enumerated in Section 17962 only if, in the area involved, there is no city, county, or city and county fire department or district providing fire protection services. By March 1 of each year, the designated department or officer shall provide in writing to the department the name, address, telephone number, and contact person of the designated department or officer.

Added Stats 1961 ch 1844 § 8. Amended Stats 1965 ch 546 § 5; Stats 1979 ch 1152 § 86; Stats 1980 ch 118 § 12; Stats 2000 ch 471 § 8 (AB 2008).

§ 17965. Enforcement by department

Where there is no local enforcement agency charged with the enforcement of this part pursuant to Section 17964, and to the extent that enforcement responsibility is not assigned to a local enforcement agency pursuant to Section

17960, 17961, or 17961.5, the department shall enforce all the applicable provisions of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated by the department pursuant to the provisions of this part, or alternative standards adopted by a city or county pursuant to this part, pertaining to apartment houses, hotels, or dwellings.

Added Stats 1961 ch 1844 § 8. Amended Stats 1979 ch 729 § 5, ch 1152 § 87.5.

§ 17966. Enforcement contracts; Costs

Cities or counties or fire protection districts may contract with the department for assistance by the department in the enforcement of the applicable provisions of this part, the building standards published in the State Building Standards Code, and the other rules and regulations promulgated pursuant to the provisions of this part within such cities or counties. Such contracts shall contain provisions for the payment of the costs of such enforcement, or portions thereof, as may be determined by the department.

Added Stats 1961 ch 1844 § 8. Amended Stats 1979 ch 729 § 6, ch 1152 § 88.5.

§ 17967. Examination of local government records by department; Costs

The department may examine the records of the various city, city and county, or county departments charged with the enforcement of building standards published in the State Building Standards Code and the other rules and regulations promulgated pursuant to the provisions of this part and secure from them reports and copies of their records at any time. The department shall pay the cost of duplicating such records.

Added Stats 1979 ch 62 § 6, effective May 14, 1979. Amended Stats 1979 ch 1152 § 89.

Article 2 Inspection

§ 17970. Entry and inspection of building or premises

Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.

Added Stats 1961 ch 1844 § 8. Amended Stats 1979 ch 1152 § 90.

§ 17971. Right of owner or agent to enter building or premises to carry out instructions or perform work

The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part.

Added Stats 1961 ch 1844 § 8. Amended Stats 1979 ch 1152 § 91.

§ 17972. Entering dwellings between 6 p.m. and 8 a.m.; Consent of owner or occupants; Court order

No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

Added Stats 1961 ch 1844 § 8.

Article 2.5 Tenant Relocation Assistance

§ 17975. Eligibility of displaced tenant

Any tenant who is displaced or subject to displacement from a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive relocation benefits from the owner as specified in this article. The local enforcement agency shall determine the eligibility of tenants for benefits pursuant to this article.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.1. Owner or agent to pay; Time to pay; Notice

(a) The relocation benefits required by this article shall be paid by the owner or designated agent to the tenant within 10 days after the date that the order to vacate is first mailed to the owner and posted on the premises, or at least 20 days prior to the vacation date set forth in the order to vacate, whichever occurs later.

(b) If there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date,

the relocation benefits shall be paid by the owner or designated agent to the tenant within 24 hours after the notice is posted and mailed. The local enforcement agency shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified in this section shall not relieve the owner of any obligations imposed by this article.

(c) If a tenant is entitled to relocation benefits pursuant to Section 17975, the local enforcement agency shall provide either telephonic or written notice to the tenant of his or her entitlement to the benefits. Written notice may be satisfied by posting a written notice on the premises stating that tenants may be entitled to relocation benefits.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.2. Amount of payments

The relocation payment shall be made available by the owner or designated agent to the tenant in each residential unit and shall be a sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code. In addition, the relocation payment shall include an amount, as determined by the local enforcement agency, sufficient for utility service deposits. The relocation benefits shall be paid by the owner or designated agent in addition to the return, as required by law, of any security deposits held by the owner. The relocation benefits shall be payable on a per residential unit basis.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.3. Liability for failure to make timely payment

(a) Any owner or designated agent who does not make timely payment as specified in Section 17975.1 shall be liable to the tenant for an amount equal to 1½ times the relocation benefits payable pursuant to Section 17975.2.

(b) Subdivision (a) shall not apply when relocation benefits are payable fewer than 10 days after the date the order to vacate is first mailed and posted on the premises, if the owner or designated agent makes the payment no later than 10 days after the order is first mailed and posted.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.4. Circumstances not requiring payment of relocation benefits

(a) No relocation benefits pursuant to this article shall be payable to any tenant who has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency, nor shall any relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency. The local enforcement agency shall make the determination whether a tenant, tenant's guest, or invitee caused or substantially contributed to the condition, giving rise to the order to vacate at the same time that the order to vacate the tenants is made.

(b) An owner or designated agent shall not be liable for relocation benefits if the local enforcement agency determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition.

(c) In the situations described in subdivisions (a) and (b), the tenants of units within a multiunit structure who did not cause or substantially contribute to the uninhabitable condition shall be eligible for relocation benefits from the local enforcement agency that elects at its discretion to pay relocation payments in accordance with Section 17975.2 to those tenants.

(d) An owner or designated agent shall not be liable to make any payment as prescribed by this section if the local enforcement agency does not provide for an appeals process for the order to pay relocation benefits.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.5. Advance of relocation benefits by local enforcement agency; Recovery from owner; Penalties and costs; Lien on real property; Appeal of costs

(a) If the owner or designated agent fails, neglects, or refuses to pay relocation payments to a displaced tenant or a tenant subject to displacement, except in the situations described in Section 17975.4, the local enforcement agency may advance relocation payments as specified in Section 17975.2. If the local enforcement agency, pursuant to locally adopted policies, offers to advance relocation payments in accordance with Section 17975.2, the local enforcement agency shall be entitled to recover from the owner any amount paid to a tenant pursuant to this section except payments made pursuant to subdivision (c) of Section 17975.4. The local enforcement agency shall also be entitled to recover from the owner or designated agent an additional amount equal to the sum of one–half the amount so paid, but not to exceed ten thousand dollars ($10,000), as a penalty for failure to make timely payment to the displaced tenant, and the local enforcement agency's actual costs, including direct and indirect costs, of administering the provision of benefits to the displaced tenant.

(b) Any amounts paid by the local enforcement agency, except pursuant to subdivision (c) of Section 17975.4, and any applicable penalties and actual costs may also be placed as a lien against the property by the local enforcement

agency by recording the lien in the county recorder's office of the county in which the real property is located.

(c) Any local enforcement agency that elects, at its own option pursuant to subdivision (a), to advance relocation payments to displaced tenants when the owner or designated agent fails, neglects, or refuses to pay relocation payments to displaced tenants, shall prior to instituting any action to collect from the owner or designated agent relocation benefits paid pursuant to this section, or to impose a lien therefor, send to the owner or designated agent by first–class mail, postage prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of all benefits paid by the local enforcement agency to the owner's tenants, and any penalties or costs the local enforcement agency is seeking to recover as authorized pursuant to subdivision (a). If the owner or designated agent contends that not all of the benefits are chargeable to the owner or designated agent because the recipients were not displaced tenants, no benefits were payable pursuant to Section 17975.4, or on other grounds, the owner or designated agent shall submit a written appeal to the director of the local enforcement agency within 20 days after receipt by the owner or designated agent of the itemized accounting. The director, or the director's designee, shall hold an administrative hearing for the purpose of determining the amount of benefits paid that are chargeable to the owner or designated agent, and any penalties or costs the local enforcement agency may recover pursuant to subdivision (a). The local enforcement agency shall provide an administrative appeal process for any appeal of a decision of the director or the director's designee. The final decision of the local appellate body shall be subject to Section 1094.5 of the Code of Civil Procedure. If the owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the owner or designated agent shall be liable to the local enforcement agency for the costs of the administrative hearing and appeal, not to exceed five thousand dollars ($5,000). The failure to receive the itemized accounting shall not relieve the owner of any obligation to the city or county.

(d) Nothing in this article shall be construed to require the local enforcement agency to pay any relocation benefits to any tenant, or assume any obligation, requirement, or duty of the owner pursuant to this article.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.6. Contesting costs paid before expiration of 10–day period

Notwithstanding subdivision (b) of Section 17975.1 and subdivision (a) of Section 17975.5, if there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, and if the local enforcement agency advances relocation benefits to any tenants, prior to the expiration of the 10–day period, the owner shall not be required to reimburse the local enforcement agency for a charge identified on the itemized accounting described in subdivision (c) of Section 17975.5 if the owner contests the charge within 30 days after the itemized accounting is mailed to the owner or designated agent pursuant to subdivision (c) of Section 17975.5. The owner or designated agent shall pay the charge that was the subject of the appeal pursuant to subdivision (c) of Section 17975.5 within 30 days after an adverse decision by the director of the local enforcement agency on the appeal is mailed to the owner.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.7. Remedies cumulative

The remedies under this article are cumulative and in addition to any other remedies available under federal, state, or local law.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.8. Notice to be accompanied by summary of chapter provisions

Any order by a local agency that requires a tenant's displacement and is issued to an owner, designated agent, or tenant, shall be accompanied by a summary of the provisions of this article. Failure to provide a summary shall not relieve any person of the obligations imposed by this article.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.9. Legislative intent; Construction of chapter

While it is the intent of the Legislature in enacting this article to provide an expedient means by which to provide relocation funds to tenants, nothing in this article shall be construed to limit the rights available to owners, designated agents, or tenants under any other provision of law. Furthermore, nothing in this article shall be construed to deprive an owner of procedural due process rights guaranteed by law, including, but not limited to, a right to file a judicial action against a local enforcement agency that has failed to proceed in a manner required by law.

Added Stats 2004 ch 473 § 1 (AB 3022).

§ 17975.10. Priority of federal funding for reimbursement to local enforcement agency

When seeking reimbursement under an optional local program intended to advance relocation payments to displaced tenants when the owner fails, neglects, or refuses to pay relocation payments to displaced tenants pursuant to the provisions of this article, the local code enforcement agency shall first explore the potential of using funds from any available federally funded program that provides tenant relocation assistance in cases of local code enforcement activities.

Added Stats 2004 ch 473 § 1 (AB 3022).

Article 3 Actions And Proceedings

§ 17980. Violation or nuisance; Demolition or repair of substandard residential building; Notice to tenants

(a) If any building is constructed, altered, converted, or maintained in violation of any provision of, or in violation of any order or notice that gives a reasonable time to correct that violation issued by an enforcement agency pursuant to this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency shall, after 30 days' notice to abate the nuisance or violation, or a notice to abate with a shorter period of time if deemed necessary by the enforcement agency to prevent or remedy an immediate threat to the health and safety of the public or occupants of the structure, institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. Notwithstanding the above, if a person has purchased and is in the process of diligently abating any violation at a residential property that had been foreclosed on or after January 1, 2008, an enforcement agency shall not commence any action or proceeding until at least 60 days after the person takes title to the property, unless a shorter period of time is deemed necessary by the enforcement agency, in its sole discretion, to prevent or remedy an immediate threat to the health and safety of the neighboring community, public, or occupants of the structure.

(b) If any entity releases a lien securing a deed of trust or mortgage on a property for which a notice of pendency of action, as defined in Section 405.2 of the Code of Civil Procedure, has been recorded against the property by an enforcement agency pursuant to subdivision (a) of Section 17985 of the Health and Safety Code or Section 405.7 or 405.20 of the Code of Civil Procedure, it shall notify in writing the enforcement agency that issued the order or notice within 30 days of releasing the lien.

(c)(1) Whenever the enforcement agency has inspected or caused to be inspected any building and has determined that the building is a substandard building or a building described in Section 17920.10, the enforcement agency shall commence proceedings to abate the violation by repair, rehabilitation, vacation, or demolition of the building. The enforcement agency shall not require the vacating of a residential building unless it concurrently requires expeditious demolition or repair to comply with this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the enforcement agency shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair. The enforcement agency may require vacation and demolition or may itself vacate the building, repair, demolish, or institute any other appropriate action or proceeding, if any of the following occur:

(A) The repair work is not done within the period required by the notice.

(B) The owner does not make a timely choice of repair or demolition.

(C) The owner selects an option which cannot be completed within a reasonable period of time, as determined by the enforcement agency, for any reason, including, but not limited to, an outstanding judicial or administrative order.

(2) In deciding whether to require vacation of the building or to repair as necessary, the enforcement agency shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling, as determined by the enforcement agency, and shall give full consideration to the needs for housing as expressed in the local jurisdiction's housing element.

(d)(1) Notwithstanding subdivision (c) and notwithstanding local ordinances, tenants in a residential building shall be provided copies of any of the following:

(A) The notice of any violation described in subdivision (a) that affects the health and safety of the occupants and that causes the building to be substandard pursuant to Section 17920.3 or in violation of Section 17920.10.

(B) An order of the code enforcement agency issued after inspection of the premises declaring the dwelling to be in violation of any provision described in subdivision (a).

(C) The enforcement agency's decision to repair or demolish.

(D) The issuance of a building or demolition permit following the abatement order of an enforcement agency.

(2) Each document provided pursuant to paragraph (1) shall be provided to each affected residential unit by the enforcement agency that issued the order or notice, in the manner prescribed by subdivision (a) of Section 17980.6.

(e) All notices issued by the enforcement agency to correct violations or to abate nuisances shall contain a provision notifying the owner that, in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

(f) The enforcement agency may charge the owner of the building for its postage or mileage cost for sending or posting the notices required to be given by this section.

Added Stats 1961 ch 1844 § 8. Amended Stats 1979 ch 62 § 7, effective May 14, 1979, ch 434 § 4.5, ch 1152 § 92; Stats 1985 ch 1279 § 5; Stats 1997 ch 55 § 1 (AB 943); Stats 1999 ch 391 § 1 (AB 942); Stats 2001 ch 487 § 2 (AB 1112); Stats 2002 ch 931 § 3 (SB 460); Stats 2003 ch 474 § 4 (AB 1034); Stats 2012 ch 201 § 2 (AB 2314), effective January 1, 2013.

§ 17980.1. Order requiring building to be retrofitted to local building standards

(a) If a building is identified by a city, city and county, or county pursuant to Article 4 (commencing with Section 19160) of Chapter 2 of Part 3 of Division 13, or Section 8875.2 of the Government Code as being potentially hazardous to life in the event of an earthquake or is identified for any other reason to be hazardous to life in the event of an earthquake, or is identified as being in a condition that substantially endangers the health and safety of residents pursuant to Section 17980.6, an order requiring the building to be retrofitted to local seismic building standards or repaired so as not to violate any law, regulation, or ordinance applicable to the maintenance and use of the building, may be executed by the enforcement agency or its agents or contractors if all of the following conditions are satisfied:

(1) The hazardous condition is of a nature that would endanger the immediate health and safety of residents or the public in the event of an earthquake.

(2) The extent and nature of a hazardous condition related to seismic safety is such that it could be corrected with the application of current technology.

(3) Any abatement order of the enforcement agency is not complied with or not so far complied with as the enforcement agency may regard as reasonable, within the time therein designated.

(b) If the owner does not comply with the abatement order within a reasonable time after issuance of the order, the enforcement agency may, as an alternative to any other remedy permitted under law, seek the remedy provided by this section if the court finds the owner in violation of the abatement order and finds that the abatement order was issued in order to correct a hazardous condition which would endanger the immediate health and safety of residents or the public in the event of an earthquake or because of any violation of this part.

(c) After serving notice upon the owner not less than 48 hours prior to the filing of the application in accordance with the procedures for notice specified by this subdivision, the enforcement agency, in accordance with this section, Sections 17980.1 to 17980.3, inclusive, and Chapter 5 (commencing with Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, may thereafter apply to the superior court in the county where the property is situated by petition for an order directing the owner and any mortgagees or lienors of record to show cause why an individual or group as proposed by the enforcement agency should not be appointed as a receiver, and why the receiver should not remove or remedy the condition and obtain a lien, as provided in Section 17980.2, in favor of the enforcement agency against the property, with the lien having the priority as specified in subdivision (b) of Section 17980.2, to secure repayment of the costs incurred by the receiver in removing or remedying the condition. The application shall contain all of the following:

(1) Proof by affidavit that an abatement order of the enforcement agency has been issued and served on the owner, mortgagees, and lienors in accordance with this section, and that the notice containing the same particulars as are required in the abatement order, including the work to be done, has been filed in the office of the county recorder in which mechanic's liens affecting the property would be filed.

(2) A statement that the abatement order has not been complied with or not so far complied with as the enforcement agency may regard as reasonable within the time period therein designated.

(3) A statement that a condition that constitutes a serious hazard and is a serious threat to life, health, or safety continues to exist upon the property, and a description of the property and the factors constituting the unsafe condition.

(4) A plan describing how the receiver shall perform the required work, and how rents, issues, and profits shall be collected and distributed among the owner, mortgagee, lienor, and enforcement agency or receiver, and including an estimate as to the costs of the required work, the approximate time when the repairs will be completed, a statement as to whether a displacement of any occupant is required, and provisions regarding assistance for displaced occupants.

(d) The order to show cause shall be returnable not less than five days after service is completed and shall provide for personal service of a copy thereof and the papers on which it is based on the owners and mortgagees of record and lienors. Alternative service may be made upon the owner by posting upon the property and thereafter mailing to the owner at the last known address, and upon the mortgagee or lienor by mailing to the address set forth in the recorded mortgage or lien and by publication in a newspaper of general circulation in the county where the premises are located. The service shall be completed on filing proof of service thereof in the office of the county clerk.

(e) On the return of the order to show cause, the proceeding regarding that order shall have precedence over every other business of the court, unless the court finds that some other pending proceeding, having a similar statutory precedence, shall have priority. If the court finds good cause therefor, and finds that the cost of repairs, when added to any valid encumbrances on the building, shall not exceed the projected value of the building when repaired, then the court shall appoint a receiver named in the application or another person deemed appropriate, in accordance with this section and Section 17980.2. However, prior to the appointment of a receiver, if the owner or any mortgagee or lienor or other person having an interest in the property applies to the court to be permitted to remove or remedy the conditions, and demonstrates the ability promptly to undertake the work required, and posts security for the performance thereof within the time, and in the amount and manner deemed necessary by the court, then the court may, in lieu of appointing the receiver, issue an order permitting that person to perform the work within a time fixed by the court.

(f) If the conditions have not been satisfactorily remedied or removed within the time fixed in the abatement order, then the court shall appoint a receiver. If, after granting a court order permitting a person to perform the work, but before the time fixed by the court for the completion thereof, it appears to the enforcement agency that the person permitted to do the work is not proceeding in a timely fashion, the enforcement agency may petition the court for a hearing to determine whether a receiver should be appointed immediately. On the failure of the owner, mortgagee, lienor, or other

person having an interest in the property to complete the work in accordance with the provisions of the order, the costs of the receiver thereafter appointed in removing or remedying the condition, and for other charges herein provided for, shall be reimbursed, paid, or made subject to a lien pursuant to Section 17980.2, or any combination of these.

(g) Upon the appointment of a receiver by the court, which shall include the posting of a bond by the receiver, pursuant to subdivision (b) of Section 567 of the Code of Civil Procedure, a copy of the order making the appointment, authenticated by a certificate of the clerk of the court and particularly describing the property which is subject to the receivership, shall be recorded in each county in which any portion of the land is located. However, if the court determines that the receiver will be acting under the general direction of the enforcement agency, the receiver may be deemed a public officer pursuant to Section 995.220 of the Code of Civil Procedure.

(h) In addition to the powers specifically requested by the enforcement agency for the receiver, the receiver shall be authorized to employ attorneys, accountants, contractors, architects, engineers, and other clerical and professional personnel to assist the receiver in the performance of these duties and responsibilities.

(i) Notwithstanding Section 6103 or 27383 of the Government Code, a county clerk or county recorder, or clerk of the court may charge a fee to any party, including a public agency, for the cost, incurred pursuant to this section, of filing, recording, or authentication of documents at the request of that party.

Added Stats 1990 ch 192 § 2 (AB 1279). Amended Stats 2003 ch 474 § 5 (AB 1034).

§ 17980.2. Enforcement agency's lien for costs

(a) If the enforcement agency, in accordance with Section 17980.1, shall desire that the receiver obtain a lien for costs incurred in connection therewith in favor of the enforcement agency, the enforcement agency, within five days after the service of the abatement order upon the owner, shall serve a copy of the abatement order upon the lienor and mortgagee of record personally or by registered mail, return receipt requested, at the address set forth in the recorded mortgage or lien. A notice addressed to the mortgagee and lienor shall be appended to the copy of the abatement order, stating that in the event the unsafe conditions are not removed or remedied in the manner and within the time specified in the abatement order, the enforcement agency may apply to the superior court for an order to show cause why a receiver shall not be appointed.

(b) The enforcement agency or a receiver appointed pursuant to this section and Section 17980.1 may record a lien against the real property on which the building is located for the expenses necessarily incurred in the execution of the abatement order, for work done in carrying out the abatement order, and for the costs incurred by the county recorder in recording the lien. Notwithstanding Section 6103 or 27383 of the Government Code, the county recorder may charge a fee to any party for the cost, incurred pursuant to this section, of recording the lien at the request of that party. Liens authorized by this subdivision shall specify the amount of the lien, the name of the agency or agencies on whose behalf the lien is imposed, the date of the abatement order or the order of the court which required the work to be done, the name of the receiver, if any, appointed pursuant to Section 17980.1, and the legal description assessor's parcel number, and the record owner of the real property. The lien shall be recorded in the office of the county recorder of any county in which all or any portion of the real property is located, and from the date of recording shall have the force, effect, and priority of a judgment lien. The enforcement agency may defer payment of the lien until the property is sold or the enforcement agency may require that the lien be paid in installments. The amount of the lien authorized by this subdivision shall in no event exceed the reasonable costs of repair, as determined pursuant to Section 17980.3. Nothing in this section or in Section 17980.3 shall authorize the forced sale of the property to secure payment of the judgment lien.

(c) Whenever the enforcement agency has incurred expense for which payment is due under this section, Section 17980.3, or 17980.4, the enforcement agency may institute and maintain a suit against the owner of the building, and may recover the amount of that expense. In any case where expenditures have been made, or obligations incurred, by a receiver pursuant to Section 17980.3, and these are not paid or reimbursed from rents and income of the building, the receiver may institute and maintain a suit against the owner to recover the deficiency. Upon the awarding of a money judgment in any action authorized by this section, until the same is paid or discharged, the judgment shall be a lien like other judgments, pursuant to Chapter 2 (commencing with Section 697.010) of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

(d) Unless, within six months after actual notice, proceedings to discharge the lien are undertaken by the party against whom, or against whose premises, a lien is claimed, the filing shall, as to all persons having actual notice, become conclusive evidence that the amount claimed in the lien, with interest, is due, and is a just lien upon the premises.

(e) Where there is more than one owner, except as the owners may have otherwise mutually agreed, any owner who removes or remedies the unsafe condition shall be entitled to recover a proportionate share of the total expense of the compliance from all other owners to whom the abatement order was issued.

Added Stats 1990 ch 192 § 3 (AB 1279).

§ 17980.3. Powers and duties of receiver

(a) Any receiver appointed pursuant to this section shall have all of the powers and duties conferred by this section, and Sections 17980.1 and 17980.2, and shall have the powers and duties of a receiver appointed in an action to foreclose a mortgage on real property, as provided in Chapter 5 (commencing with Section 564) of Title 7 of Part 2 of

the Code of Civil Procedure. The receiver, with all reasonable speed, shall remedy the unsafe condition and remove all the delinquent matters and deficiencies in the building, as specified in the abatement order. Unless otherwise ordered by the court, the receiver shall have the power to let contracts therefor or incur expenses in accordance with the provisions of local laws, ordinances, rules, or regulations applicable to contracts for public works.

(b) If the conditions of the premises and repairs thereto significantly interfere with the peaceful enjoyment or safe and sanitary use of the premises by any tenant, the receiver shall arrange for comparable temporary housing which is decent, safe, and sanitary for each tenant required to be relocated. The receiver shall pay relocation costs to each tenant as provided in Section 7262 of the Government Code. The costs shall be limited to the time that the premises are being repaired. The receiver shall mail to the owner and tenants at least 30 days prior to completion of the repairs a notice that the unit will be available for occupancy. The tenant shall have 14 days from the date the receiver's notification was mailed to notify the landlord of his or her intent to reoccupy the dwelling unit. The tenant shall have seven days to reoccupy the unit once the unit is deemed habitable. Failure of the tenant to notify the owner and receiver of the tenant's intent to reoccupy the unit shall extinguish this right to reoccupy.

(c) The receiver shall be entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages. These fees and commissions shall be paid into any fund created pursuant to Section 17980.5. The receiver shall be liable only in the receiver's official capacity for injury to person and property by reason of conditions of the premises in a case where an owner would have been liable. The receiver shall not be liable in the receiver's personal capacity. Upon the request of the receiver, the enforcement agency or the department, or both, shall make their personnel and facilities available to the receiver for the purpose of carrying out the receiver's duties as the receiver, and the cost of these services shall be deemed a necessary expense of the receiver.

(d) The receiver shall be discharged upon rendering a full and complete accounting to the court when the condition has been removed and the cost thereof and all other costs authorized by this section have been paid, reimbursed, or made subject to a lien pursuant to subdivision (b) of Section 17980.2, or any combination of these. Upon the removal of the condition, the owner, the mortgagee, or any lienor may apply for the discharge of the receiver of all moneys not expended by the receiver for removal of the condition and all other costs authorized by this section.

Added Stats 1990 ch 192 § 4 (AB 1279).

§ 17980.4. Joinder of civil remedies for violations of chapter

(a) Whenever the enforcement agency sues for the expenses involved in the execution of any order, it may join in the same suit and claim any civil remedy for the violation of any provisions of this chapter. Joint or several judgments may be had against one or more of the defendants in the suit, as they or any of them may be liable in respect of all or any of these claims. The expenses of executing the order, and any judgment in any abatement suit provided for in this chapter, and the several judgments that may be recovered for any of these expenses and judgments, until the same are paid or discharged, shall be a lien like other judgments, pursuant to Chapter 2 (commencing with Section 697.010) of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

(b) Nothing in this section or in Sections 17980.1 to 17980.3, inclusive, shall be deemed to relieve the owner of any civil or criminal liability incurred or any duty imposed by reason of acts or omissions of the owner prior to the appointment of any receiver, nor shall anything contained to those sections be construed to suspend during the receivership any obligation of the owner for the payment of taxes or operating and maintenance expenses of the dwelling or any obligation of the owner or any other person for the payment of mortgages or liens. The remedies pursuant to this section or Sections 17980.1 to 17980.3, inclusive, shall be in addition to any other remedies provided by law.

Added Stats 1990 ch 192 § 5 (AB 1279).

§ 17980.5. Establishment of special fund

The local enforcement agency may establish and maintain a special fund for the purpose of implementing Sections 17980.1 to 17980.4, inclusive.

Added Stats 1990 ch 192 § 6 (AB 1279).

§ 17980.6. Order or notice to repair

If any building is maintained in a manner that violates any provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, any other rule or regulation adopted pursuant to the provisions of this part, or any provision in a local ordinance that is similar to a provision in this part, and the violations are so extensive and of such a nature that the health and safety of residents or the public is substantially endangered, the enforcement agency may issue an order or notice to repair or abate pursuant to this part. Any order or notice pursuant to this subdivision shall be provided either by both posting a copy of the order or notice in a conspicuous place on the property and by first–class mail to each affected residential unit, or by posting a copy of the order or notice in a conspicuous place on the property and in a prominent place on each affected residential unit. The order or notice shall include, but is not limited to, all of the following:

(a) The name, address, and telephone number of the agency that issued the notice or order.

(b) The date, time, and location of any public hearing or proceeding concerning the order or notice.

(c) Information that the lessor cannot retaliate against a lessee pursuant to Section 1942.5 of the Civil Code.

Added Stats 1988 ch 1567 § 1. Amended Stats 1999 ch 391 § 2 (AB 942); Stats 2001 ch 414 § 4 (AB 472).

§ 17980.7. Failure to comply with order or notice to repair; Remedies; Appointment of receiver

If the owner fails to comply within a reasonable time with the terms of the order or notice issued pursuant to Section 17980.6, the following provisions shall apply:

(a) The enforcement agency may seek and the court may order imposition of the penalties provided for under Chapter 6 (commencing with Section 17995).

(b)(1) The enforcement agency may seek and the court may order the owner to not claim any deduction with respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred with respect to the cited structure, in the taxable year of the initial order or notice, in lieu of the enforcement agency processing a violation in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code.

(2) If the owner fails to comply with the terms of the order or notice to correct the condition that caused the violation pursuant to Section 17980.6, the court may order the owner to not claim these tax benefits for the following year.

(c) The enforcement agency, tenant, or tenant association or organization may seek and the court may order, the appointment of a receiver for the substandard building pursuant to this subdivision. In its petition to the court, the enforcement agency, tenant, or tenant association or organization shall include proof that notice of the petition was served not less than three days prior to filing the petition, pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure, to all persons with a recorded interest in the real property upon which the substandard building exists.

(1) In appointing a receiver, the court shall consider whether the owner has been afforded a reasonable opportunity to correct the conditions cited in the notice of violation.

(2) The court shall not appoint any person as a receiver unless the person has demonstrated to the court his or her capacity and expertise to develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the building. A court may appoint as a receiver a nonprofit organization or community development corporation. In addition to the duties and powers that may be granted pursuant to this section, the nonprofit organization or community development corporation may also apply for grants to assist in the rehabilitation of the building.

(3) If a receiver is appointed, the owner and his or her agent of the substandard building shall be enjoined from collecting rents from the tenants, interfering with the receiver in the operation of the substandard building, and encumbering or transferring the substandard building or real property upon which the building is situated.

(4) Any receiver appointed pursuant to this section shall have all of the following powers and duties in the order of priority listed in this paragraph, unless the court otherwise permits:

(A) To take full and complete control of the substandard property.

(B) To manage the substandard building and pay expenses of the operation of the substandard building and real property upon which the building is located, including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the real property.

(C) To secure a cost estimate and construction plan from a licensed contractor for the repairs necessary to correct the conditions cited in the notice of violation.

(D) To enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the notice of violation.

(E) To collect all rents and income from the substandard building.

(F) To use all rents and income from the substandard building to pay for the cost of rehabilitation and repairs determined by the court as necessary to correct the conditions cited in the notice of violation.

(G) To borrow funds to pay for repairs necessary to correct the conditions cited in the notice of violation and to borrow funds to pay for any relocation benefits authorized by paragraph (6) and, with court approval, secure that debt and any moneys owed to the receiver for services performed pursuant to this section with a lien on the real property upon which the substandard building is located. The lien shall be recorded in the county recorder's office in the county within which the building is located.

(H) To exercise the powers granted to receivers under Section 568 of the Code of Civil Procedure.

(5) The receiver shall be entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages.

(6) If the conditions of the premises or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the substandard building by any tenant, to the extent that the tenant cannot safely reside in his or her unit, then the receiver shall provide relocation benefits in accordance with subparagraph (A) of paragraph (3) of subdivision (d).

(7) The relocation compensation provided for in this section shall not preempt any local ordinance that provides for greater relocation assistance.

(8) In addition to any reporting required by the court, the receiver shall prepare monthly reports to the state or local enforcement agency which shall contain information on at least the following items:

(A) The total amount of rent payments received.

(B) Nature and amount of contracts negotiated relative to the operation or repair of the property.

(C) Payments made toward the repair of the premises.

(D) Progress of necessary repairs.

(E) Other payments made relative to the operation of the building.

(F) Amount of tenant relocation benefits paid.

(9) The receiver shall be discharged when the conditions cited in the notice of violation have been remedied in accordance with the court order or judgment and a complete accounting of all costs and repairs has been delivered to the court. Upon removal of the condition, the owner, the mortgagee, or any lienor of record may apply for the discharge of all moneys not used by the receiver for removal of the condition and all other costs authorized by this section.

(10) After discharging the receiver, the court may retain jurisdiction for a time period not to exceed 18 consecutive months, and require the owner and the enforcement agency responsible for enforcing Section 17980 to report to the court in accordance with a schedule determined by the court.

(11) The prevailing party in an action pursuant to this section shall be entitled to reasonable attorney's fees and court costs as may be fixed by the court.

(12) The county recorder may charge and collect fees for the recording of all notices and other documents required by this section pursuant to Article 5 (commencing with Section 27360) of Chapter 6 of Division 2 of Title 3 of the Government Code.

(13) This section shall not be construed to limit those rights available to tenants and owners under any other provision of the law.

(14) This section shall not be construed to deprive an owner of a substandard building of all procedural due process rights guaranteed by the California Constitution and the United States Constitution, including, but not limited to, receipt of notice of the violation claimed and an adequate and reasonable period of time to comply with any orders which are issued by the enforcement agency or the court.

(15) Upon the request of a receiver, a court may require the owner of the property to pay all unrecovered costs associated with the receivership in addition to any other remedy authorized by law.

(d) If the court finds that a building is in a condition which substantially endangers the health and safety of residents pursuant to Section 17980.6, upon the entry of any order or judgment, the court shall do all of the following:

(1) Order the owner to pay all reasonable and actual costs of the enforcement agency including, but not limited to, inspection costs, investigation costs, enforcement costs, attorney fees or costs, and all costs of prosecution.

(2) Order that the local enforcement agency shall provide the tenant with notice of the court order or judgment.

(3)(A) Order that if the owner undertakes repairs or rehabilitation as a result of being cited for a notice under this chapter, and if the conditions of the premises or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the premises by any lawful tenant, so that the tenant cannot safely reside in the premises, then the owner shall provide or pay relocation benefits to each lawful tenant. These benefits shall consist of actual reasonable moving and storage costs and relocation compensation. The actual moving and storage costs shall consist of all of the following:

(i) Transportation of the tenant's personal property to the new location. The new location shall be in close proximity to the substandard premises, except where relocation to a new location beyond a close proximity is determined by the court to be justified.

(ii) Packing, crating, unpacking, and uncrating the tenant's personal property.

(iii) Insurance of the tenant's property while in transit.

(iv) The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, his or her agent or employee) in the process of moving, where insurance covering the loss, theft, or damage is not reasonably available.

(v) The cost of disconnecting, dismantling, removing, reassembling, reconnecting, and reinstalling machinery, equipment, or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.

(B)(i) The relocation compensation shall be an amount equal to the differential between the contract rent and the fair market rental value determined by the federal Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired, not to exceed 120 days.

(ii) If the court finds that a tenant has been substantially responsible for causing or substantially contributing to the substandard conditions, then the relocation benefits of this section shall not be paid to this tenant. Each other tenant on the premises who has been ordered to relocate due to the substandard conditions and who is not substantially responsible for causing or contributing to the conditions shall be paid these benefits and moving costs at the time that he or she actually relocates.

(4) Determine the date when the tenant is to relocate, and order the tenant to notify the enforcement agency and the owner of the address of the premises to which he or she has relocated within five days after the relocation.

(5)(A) Order that the owner shall offer the first right to occupancy of the premises to each tenant who received benefits pursuant to subparagraph (A) of paragraph (3), before letting the unit for rent to a third party. The owner's offer on the first right to occupancy to the tenant shall be in writing, and sent by first-class certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the tenant's address by the tenant as prescribed by this section, the owner shall not be required to provide notice under this section or offer the tenant the right to return to occupancy.

(B) The tenant shall notify the owner in writing that he or she will occupy the unit. The notice shall be sent by first-class certified mail no later than 10 days after the notice has been mailed by the owner.

(6) Order that failure to comply with any abatement order under this chapter shall be punishable by civil contempt,

penalties under Chapter 6 (commencing with Section 17995), and any other penalties and fines as are available.

(e) The initiation of a proceeding or entry of a judgment pursuant to this section or Section 17980.6 shall be deemed to be a "proceeding" or "judgment" as provided by paragraph (4) or (5) of subdivision (a) of Section 1942.5 of the Civil Code.

(f) The term "owner," for the purposes of this section, shall include the owner, including any public entity that owns residential real property, at the time of the initial notice or order and any successor in interest who had actual or constructive knowledge of the notice, order, or prosecution.

(g) These remedies shall be in addition to those provided by any other law.

(h) This section and Section 17980.6 shall not impair the rights of an owner exercising his or her rights established pursuant to Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code.

Added Stats 1988 ch 1567 § 2. Amended Stats 1989 ch 1194 § 1; Stats 1990 ch 1334 § 1 (AB 3492); Stats 1995 ch 906 § 2 (AB 457); Stats 2001 ch 414 § 5 (AB 472), ch 594 § 1.5 (AB 1467); Stats 2012 ch 201 § 3 (AB 2314), effective January 1, 2013.

§ 17980.8. Abatement of nuisance by enforcement agency

Notwithstanding any other provision of law, if a determination that an unsafe or substandard condition exists in any building, or upon the lot upon which it is situated, has been made in an administrative proceeding conducted under this part, including any code incorporated by Section 17922, the enforcement agency may abate the nuisance as provided in this part or exercise any other authority conferred upon it by this part, subject only to the exclusive remedy of the owner to challenge the administrative determination pursuant to Section 1094.5 of the Code of Civil Procedure. The court may exercise its independent judgment on the evidence to determine whether the findings are supported by the weight of the evidence. This section shall apply only to administrative proceedings commenced on or after January 1, 1990.

Added Stats 1989 ch 376 § 1; See same-numbered section added by Stats 1989, ch 1194.

§ 17980.9. Abatement of violation or nuisance for vacant single–family dwelling in Los Angeles; Notice to correct or abate

Notwithstanding Section 17980, whenever the enforcement agency inspects any vacant single–family dwelling within the City of Los Angeles or the City of San Diego pursuant to this chapter, all of the following shall apply:

(a) If a nuisance exists in any vacant single–family dwelling or upon the lot on which it is situated, the enforcement agency shall, after 15 days' notice to abate the nuisance, institute any appropriate action or proceeding to prevent, restrain, correct, or abate the nuisance.

(b)(1) Whenever the enforcement agency has inspected or caused to be inspected any vacant single–family dwelling and has determined that the building is a substandard dwelling, the enforcement agency shall, after giving 15 days' notice to the owner, commence proceedings to abate the violation by repair, rehabilitation, or demolition of the building. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the enforcement agency shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair. The enforcement agency may require demolition or may itself repair, demolish, or institute any other appropriate action or proceeding, if any of the following occur:

(A) The repair work is not done as scheduled.

(B) The owner does not make a timely choice of repair or demolition.

(C) The owner selects an option that cannot be completed within a reasonable period of time, as determined by the department, for any reason, including, but not limited to, an outstanding judicial or administrative order.

(2) In deciding whether to repair as necessary, the enforcement agency shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 50 percent of the dwelling, as determined by the enforcement agency, and shall give full consideration to the needs for housing as expressed in the local jurisdiction's housing element.

(c) All notices issued by the enforcement agency to correct violations or to abate nuisances shall contain a provision notifying the owner that, in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

(d) The enforcement agency may charge the owner of the building for its postage or mileage cost for sending or posting the notices required to be given by this section.

Added Stats 1997 ch 55 § 2 (AB 943). Amended Stats 2001 ch 594 § 2 (AB 1467).

§ 17980.10. Referrals to certain agencies for financing or assisting in residential rehabilitation or repair

(a) An enforcement agency that properly declares any dwelling a nuisance and, using the notice requirements and procedures specified in Subchapter 1 (commencing with Section 1) of Chapter 1 of Part 1 of Title 25 of the California Code of Regulations, confirms the declaration by resolution of its governing board shall be deemed to have acquired jurisdiction to abate the nuisance by repairing or causing to have repairs made to the property, by razing or removing the dwelling or in any other way causing the nuisance to be abated.

(b) The enforcement agency shall keep an itemized account of all of the expenses involved in abating the nuisance, including the razing or removing of the dwelling. The enforcement agency shall cause to be posted conspicuously on the property where the nuisance was abated, repairs were made, or where the dwelling was razed or removed, an

expense statement. This statement shall be verified by the officer of the enforcement agency in charge of doing the work, showing the reasonable gross and net expense of the abatement actions taken by the agency, including the expense of inspections; repairs, if any; the cost of the razing or removing of the building, if applicable; and any other costs of abatement, together with a notice of the time and place when and where the statement shall be submitted to the governing board of the enforcement agency for approval and confirmation. In addition to being posted on the property, this statement shall be sent by certified mail to each owner and other interested party, as specified in Subchapter 1 (commencing with Section 1) of Chapter 1 of Part 1 of Title 25 of the California Code of Regulations.

(c) At the meeting noticed pursuant to subdivision (b), the governing board shall consider any objections or protests, if any, that may be raised by the property owner liable to be assessed for the cost of the work, or by any other interested persons. If the governing board confirms the statement of costs of abatement, those costs shall be the obligation of each owner of the property to pay to the public entity that has incurred them.

(d) Notwithstanding any other provision of law, any hearing required under this section shall be conducted in accordance with requirements adopted by the enforcement agency that are in substantial compliance with those contained in Chapter 13 (commencing with Section 1301), or the successor provisions to that chapter, of the most recent edition of the Uniform Housing Code of the International Conference of Building Officials or as specified in Subchapter 1 (commencing with Section 1) of Chapter 1 of Part 1 of Title 25 of the California Code of Regulations.

Added Stats 1989 ch 1194 § 2, as H & S C § 17980.8. Amended and renumbered by Stats 2003 ch 474 § 6 (AB 1034).

§ 17980.11. Information required upon notice of substandard or untenantable conditions of residential structure

If an enforcement agency has recorded with a county recorder any notice of substandard or untenantable conditions issued pursuant to this part for a residential structure, and if the enforcement agency anticipates that it will pursue the remedies provided by subdivision (b) of Section 17980.7 or subdivision (c) of Section 17980.9, or Section 17274 or 22436.5 of the Revenue and Taxation Code, it may require the private owner of that structure, within 10 days of recordation, to submit to the enforcement agency the following information:

(a) If the property owner is an individual, the name, address, driver's license number or identification card number, social security number or tax identification number, and any other information deemed necessary by the enforcement agency to file the documents necessary to utilize Section 17274 of the Revenue and Taxation Code.

(b) If the property owner is a corporation, trust, real estate trust, or any other entity whose taxes are subject to Part 11 (commencing with Section 23001) of the Revenue and Taxation Code, the name, address, tax identification number, and any other information deemed necessary by the enforcement agency to file the documents necessary to utilize Section 22436.5 of the Revenue and Taxation Code.

(c) If the property owner is a limited liability company, partnership, limited partnership, trust, or real estate investment trust, or any other entity which has owners, partners, members, or investors whose state taxes are subject to Part 10 (commencing with Section 17001) of the Revenue and Taxation Code and whose income, deductions, or tax credits are subject to any change because of interest payments, taxes, depreciation, or amortization related to the substandard housing, the name, address, driver's license number or identification card number, social security number or tax identification number, and any other information deemed necessary by the enforcement agency to file the documents necessary to utilize Section 17274 of the Revenue and Taxation Code.

Added Stats 2003 ch 474 § 7 (AB 1034).

§ 17981. Complaint

An enforcement agency which institutes any action or proceeding pursuant to this article may, by verified complaint setting forth the facts, apply to the superior court for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

Added Stats 1961 ch 1844 § 8.

§ 17982. Application for order to remove violation or abate nuisance

If any notice or order issued by an enforcement agency is not complied with within a reasonable time as specified in such notice or order the enforcement agency may apply to the superior court for an order authorizing it to remove any violation or abate any nuisance specified in the notice or order.

Added Stats 1961 ch 1844 § 8.

§ 17983. Orders of superior court

The superior court may make any order for which application is made pursuant to this article.

Added Stats 1961 ch 1844 § 8.

§ 17984. Costs

Neither an enforcement agency, any of its officers, nor any city or county for which an enforcement agency may act, is liable for costs in any action or proceeding that the enforcement agency may commence pursuant to this article.

Added Stats 1961 ch 1844 § 8.

§ 17985. Notice of pendency of action or proceeding; Recording; Notice of final disposition

(a) Any enforcement agency which institutes an action or proceeding pursuant to this article shall record a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The enforcement agency may charge the property owner for any cost involved in recording the notice. The enforcement agency shall reimburse the owner for any amount charged if the case is dismissed or if the defendant is found innocent. The notice shall be recorded at the time of the commencement of the action or proceeding. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure.

(b) The enforcement agency shall record a notice of final disposition of any action or proceeding in the county recorder's office where the property affected by the action or proceeding was recorded immediately following final resolution of the action or proceeding.

Added Stats 1961 ch 1844 § 8. Amended Stats 1974 ch 839 § 2.5; Stats 1975 ch 201 § 3; Stats 1982 ch 1545 § 3.

§ 17986. Record and index of notice

The county recorder with whom a notice of pendency of action or proceeding is filed shall record and index it in the name of each person to be specified in a direction subscribed by an officer of the enforcement agency instituting the action or proceeding.

Added Stats 1961 ch 1844 § 8.

§ 17987. Vacation of notice; Order; Recording

Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. A certified copy of the order of vacation may be recorded in the office of the recorder of the county where the notice of pendency of action is recorded.

Added Stats 1961 ch 1844 § 8.

§ 17988. Sufficiency of service of summons

In any action or proceeding brought pursuant to this article, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure.

Added Stats 1961 ch 1844 § 8.

§ 17989. Time for service of notice or order

Except under conditions immediately affecting health or safety, every notice or order issued pursuant to this part shall be served five days before the time for doing or refraining from doing the thing to which it pertains.

Added Stats 1961 ch 1844 § 8.

§ 17990. Time for filing written pleading in response to summons

The time to file a written pleading in response to a summons in an action brought pursuant to this article is 10 days.

Added Stats 1976 ch 807 § 1.

§ 17991. Effect of transfer of property on action or proceeding; Notice of conveyance of substandard property; Information to enforcement agency

(a) The sale or other transfer of property to a third party shall not render moot an administrative or judicial action or proceeding pursuant to this article, including an action under Section 17982, instituted by an enforcement agency, or a receiver on behalf of an enforcement agency, against the owner of record on the date a citation for, or other notice of, a violation of this part was issued.

(b) In the event of any sale or other transfer of property to a third party during the period between the issuance of the notice of violation and the abatement of the violation, or any administrative or judicial actions related thereto, within five days after the sale or transfer occurs, the transferor shall record a Notice of Conveyance of Substandard Property with the county recorder where the property is located, identifying the name and address of the buyer or transferee and executed with a signature that the information is true and correct, under penalty of perjury.

(c) In the event of any sale of other transfer of property to a third party during the period between the issuance of the notice of violation and the abatement of the violation, or any administrative or judicial actions related thereto, the transferor shall provide all of the following information to the enforcement agency within five days after the sale or transfer occurs:

(1) If the seller or transferor is not an individual person, the name, address, and driver's license number or identification card number of each individual who has an interest in excess of 5 percent in the entity which is selling or transferring the property.

(2) If the buyer or transferee is an individual person, the name, address, and driver's license number or identification number of that individual.

(3) If the buyer or transferee is not an individual person, the name, address, and driver's license number or identification card number of each individual who has an interest in excess of 5 percent in the entity that is the buyer

or transferee of the property.

Added Stats 1982 ch 1545 § 4. Amended Stats 2003 ch 474 § 8 (AB 1034); Stats 2004 ch 183 § 198 (AB 3082).

§ 17992. Liability of person obtaining interest in property after recordation of notice of action

Any person who obtains an ownership interest in any property after a notice of pendency of an action or proceeding was recorded with respect to the property pursuant to Section 17985 or any other notice of a violation of this part was recorded with the county recorder of the county in which the property is located, and where there has been no withdrawal or expungement of the notice, shall be subject to any order to correct a violation, including time limitations, specified in a citation issued pursuant to Sections 17980 and 17981 or any other notice of a violation of this part that was recorded with the county recorder of the county in which the property is located.

Added Stats 1982 ch 1545 § 5. Amended Stats 2003 ch 474 § 9 (AB 1034).

Chapter 6 VIOLATIONS

§ 17995. Violation of provisions as misdemeanor; Punishment

Any person who violates any of the provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, or any other rule or regulation promulgated pursuant to the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Added Stats 1961 ch 1844 § 8. Amended Stats 1979 ch 1152 § 93; Stats 1983 ch 1092 § 162, effective September 27, 1983, operative January 1, 1984, by § 427 of ch 1092.

§ 17995.1. Punishment for subsequent conviction

Any person who is convicted pursuant to Section 17995 for a second or subsequent time within a five–year period for violations at the same property shall be punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment not exceeding six months, or both such fine and imprisonment.

Added Stats 1982 ch 1545 § 6.

§ 17995.2. Contempt of court order or injunction as misdemeanor; Punishment

Any person found in contempt of a court order or injunction pursuant to the provisions of this part for a second or subsequent time within a five–year period for violation at the same property is guilty of a misdemeanor, punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment not exceeding six months, or both such fine and imprisonment.

Added Stats 1982 ch 1545 § 7.

§ 17995.3. Punishment for subsequent conviction of particular violations endangering residents or public

Any person who is convicted pursuant to Section 17995 for a second or subsequent time within a five–year period for violations at the same property where such violations are determined by the trier of fact to be so extensive and of such a nature that the immediate health and safety of residents or the public is endangered and where the extent and nature of the violations are due to the defendant's habitual neglect of customary maintenance and display a flagrant lack of concern for the health and safety of residents and the public, shall be punishable by a fine not exceeding five thousand dollars ($5,000) and by imprisonment of not less than six months but not exceeding one year, provided also that the trier of fact finds at least four serious violations of the following categories of violations are involved:

(a) Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water or electric bills.

(b) Serious defects or lack of adequate space and water heating.

(c) Serious rodent, vermin or insect infestation.

(d) Severe deterioration, rendering significant portions of the structure unsafe or unsanitary.

(e) Inadequate numbers of garbage receptacles or service.

(f) Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal.

(g) Inoperable hallway lighting.

Added Stats 1982 ch 1545 § 8.

§ 17995.4. Punishment for subsequent contempt of court order or injunction involving particular violations

Any person found in contempt of a court order or injunction pursuant to the provisions of this part for a second or subsequent time within a five–year period for violations at the same property where such violations are determined by the trier of fact to be so extensive and of such a nature that the immediate health and safety of residents or the public is endangered and where the extent and nature of the violations are due to the defendant's habitual neglect of

customary maintenance and display a flagrant lack of concern for the health and safety of residents and the public, shall be punishable by a fine not exceeding five thousand dollars ($5,000) and by imprisonment of not less than six months but not exceeding one year, provided also that the trier of fact finds at least four serious violations of the following categories of violations are involved:

(a) Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water or electric bills.

(b) Serious defects or lack of adequate space and water heating.

(c) Serious rodent, vermin or insect infestation.

(d) Severe deterioration, rendering significant portions of the structure unsafe or unsanitary.

(e) Inadequate numbers of garbage receptacles or service.

(f) Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal.

(g) Inoperable hallway lighting.

Added Stats 1982 ch 1545 § 9.

§ 17995.5. Disposition of fines

Fines collected pursuant to this part in excess of five hundred dollars ($500) per violation shall be reimbursed to the enforcement agency which investigated the violations.

Added Stats 1982 ch 1545 § 10.

Chapter 7.5 REGISTRATION OF OWNERS OF SUBSTANDARD RESIDENTIAL PROPERTY [REPEALED]

[Chapter 7.5, consisting of §§ 17997–17997.8, was added 2001 ch 487 § 3 and repealed January 1, 2005 by Stats 2001 ch 487 § 3.]

Chapter 8 CODE ENFORCEMENT INCENTIVE PROGRAM

§ 17998. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) The Department of Housing and Community Development reports that one in every eight dwelling units in the state is substandard and that unless health and safety problems are corrected, habitability conditions generally deteriorate until the units become life threatening and uninhabitable and must be removed from the housing stock through closure or demolition.

(b) California is experiencing a housing shortage of significant proportions, particularly in the affordable housing sector. The state and many local governments are funding affordable housing from a variety of sources at substantial costs. It is ill advised to neglect timely code enforcement responsibilities and, as a result, to lose housing that could have been retained.

(c) The lack of code enforcement on a single dwelling unit can lead to the deterioration of an entire neighborhood as the substandard or abandoned unit becomes a magnet for crime, vandalism, fires, and other activities that rapidly infect the surrounding homes and neighborhood.

(d) Many local governments endeavor to fulfill their statutory responsibility for code enforcement. However, local governments with a higher percentage of lower income households with families, living in older, overcrowded housing stock, exacerbated by the neglect of absentee slumlords, bear a disproportionate code enforcement cost and responsibility compared with more affluent communities.

(e) Existing law provides building standards to assure decent, safe, and sanitary housing for all Californians.

(f) Resources for code enforcement at the local level are frequently allocated to construction–related code enforcement activities, which generate fees to pay for regulatory services, including building and permit inspections, rather than housing maintenance activities that prevent or abate substandard conditions.

(g) The enforcement of housing maintenance codes for existing housing is frequently performed only on a complaint–by–complaint basis and frequently there is insufficient funding for the abatement of existing violations through timely and effective administrative or judicial proceedings.

Added Stats 2000 ch 664 § 1 (AB 1382).

§ 17998.1. Available funding; Award of grants

The Department of Housing and Community Development, upon appropriation by the Legislature for this purpose, shall make funds available as matching grants to cities, counties, and cities and counties to increase staffing or capital expenditures dedicated to local building code enforcement efforts. The funds shall be subject to all of the following provisions:

(a) Grants shall be made to grantees that operate local building code enforcement programs for more than three years.

(b) The city, county, or city and county shall provide a cash or in–kind local match of at least 25 percent in the first year, at least 50 percent in the second year, and at least 75 percent in the third year.

(c) The maximum grant to a single recipient shall not exceed one million dollars ($1,000,000). The department may establish minimum grant levels and lower maximum grant levels, depending on the amount and uses of funding sources.

(d) Funds may be used to supplement, but shall not supplant, existing local funding for code enforcement related to housing code maintenance. The applicants shall demonstrate an intent to ensure cooperative and effective working relationships between code enforcement officials and local prosecutorial agencies, the local health department, and local government housing rehabilitation financing agencies.

(e) Within six months after completion of each program cycle approved by the department and funded by the Legislature, grant recipients shall submit a report to their local legislative bodies and to the department regarding the results of the expanded housing maintenance code enforcement efforts and recommendations for changes in state or local laws and regulations related to code enforcement. The department shall summarize the results and transmit the reports to the Legislature within six months after the grant recipient's submission date. The department may require submission of interim progress reports.

(f) The department may use up to 5 percent of the funds appropriated by the Legislature for administering the programs authorized by this chapter.

(g) The department shall award the grants on a competitive basis with criteria to be established and specified in a "Notice of Funding Availability." The criteria shall be weighted for local government applicants with neighborhoods populated by high percentages of lower income households, with significant numbers of deteriorating housing stock containing reported or suspected housing code violations and often owned by absentee owners. The criteria shall also be weighted for applications that propose to identify and prosecute owners with habitual, repeated, multiple code violations that have remained unabated beyond the period required for abatement. In addition to those criteria, the department shall attempt to award grants to cities, counties, and cities and counties in order to obtain a wide range of population sizes and compositions and geographical distribution. Eligibility criteria, applications, awards, and other program requirements implementing this chapter shall not be subject to the requirements of Chapter 2.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

Added Stats 2000 ch 664 § 1 (AB 1382). Amended Stats 2002 ch 723 § 1 (AB 1008).

§ 17998.2. Legislative intent; Grant program

(a) It is the intent of the Legislature in the enactment of this section to do all of the following:

(1) Initiate a coordinated active community approach to code enforcement.

(2) Create a pilot program in which the department awards grants to communities that develop a code enforcement program pursuant to the criteria established by this section.

(3) Substantially reduce the incidence of substandard housing through the use of creative and coordinated techniques of code enforcement involving an interdepartmental approach at the local government level.

(b) The grant program established pursuant to this section shall be known as the Community Code Enforcement Pilot Program. The Department of Housing and Community Development shall administer the Community Code Enforcement Pilot Program.

(1) The department need not adopt regulations for the program. The department shall publish and distribute a Notice of Funding Availability that contains application forms and instructions, eligibility criteria, criteria for the rating and ranking of applications, outcome evaluation criteria, interim or final reporting requirements, and other information that the department considers necessary or useful for implementation of the program.

(2) The department shall review, rate, and rank applications based on its evaluation of the information provided pursuant to subdivision (e), and their projected program performance as measured by all of the following criteria, considering the size of the applicant community:

(A) The minimum number of housing units affordable to lower income households that will be rehabilitated or otherwise brought into compliance with applicable building and housing codes.

(B) The estimated amount of grants and low interest rehabilitation loan funds, from sources other than this program, that will be made available to the owners of housing units affordable to lower income households that are determined to need rehabilitation or repair pursuant to the program.

(C) The incidence of poverty and deteriorating housing or housing code violations in each target area.

(3) In addition to the other criteria in this subdivision, the department shall attempt to award community code enforcement pilot program grants to cities, counties, and cities and counties with a wide range of population sizes and compositions and geographical distribution.

(c) The department shall award community code enforcement pilot program grants for programs that shall operate for more than three years. The grants shall not exceed four hundred fifty thousand dollars ($450,000), which shall pay for costs incurred over the life of the program. The department may establish minimum grant levels and lower maximum grant levels, depending on the amount and uses of funding sources.

(d) Each city, county, or city and county receiving a grant shall develop a code enforcement team consisting of a least one full–time code enforcement officer and a part–time city planner, health officer, or comparable specialist. Each grantee shall provide, and fund at its own expense, at least one city planner, health officer, or comparable specialist

for the duration of the pilot program, for a minimum of 20 hours per week. The grant funds shall be used for the code enforcement officer and related program costs, which may include full–time or part–time personnel, in addition to the grantee's contributions, or for capital expenditures.

(e) Grant proposals shall include all of the following:

(1) Demonstration of serious, current housing code enforcement deficiencies within each target area, whether those code deficiencies are in violation of locally enacted ordinances or state codes.

(2) A plan to have high visibility of code enforcement staff and to create close and frequent communication and interaction with residents and property owners of the target area, including in the evenings and on weekends.

(3) A plan to convene community meetings to inform residents of the pilot program.

(4) A plan to conduct ongoing frequent informal and formal community meetings with the code enforcement team and residents of the community involved in the pilot program.

(5) A plan demonstrating an intent to ensure cooperative and effective working relationships between code enforcement officials, local health department officials, local prosecutorial agencies, and officials operating local programs providing public funds to finance affordable rental housing rehabilitation and repairs.

(6) A plan for timely and effective administrative and judicial enforcement of code violations.

(f) The administrator of each grantee's pilot program shall evaluate the pilot program and report the findings and other criteria requested by the department indicating the effectiveness of the pilot program to the department within six months after completion of each program cycle approved by the department and funded by the Legislature. The department may require submission of interim progress reports. The administrator shall evaluate the pilot program based on criteria including, but not limited to, the following:

(1) Results of a participant survey, including owners, residents, and active community leaders.

(2) Comparison of each targeted area with similar neighborhoods with respect to repeat calls for service and other criteria testing the effectiveness of the pilot program.

(3) The extent of any perceived or actual property value change between the commencement and the completion of the pilot program.

(4) The number of cases opened and the number of cases closed, identifying the nature of code violations, the necessity of formal proceedings, the cost and nature of abatement violations, or other factors influencing the effectiveness of the pilot program.

(g) The department shall review and report to the Legislature within six months after the grant recipient's submission date on the findings of the pilot program administrators.

Added Stats 2000 ch 664 § 1 (AB 1382), operative until January 1, 2005. Amended Stats 2002 ch 723 § 2 (AB 1008). Effective January 1, 2003.

§ 17998.3. Powers of department

In implementing the programs governed by this chapter, the department has all the general powers granted to it by Division 31 (commencing with Section 50000).

Added Stats 2000 ch 664 § 1 (AB 1382).

APPENDIX
HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 1 EMPLOYEE HOUSING ACT

Chapter 1 GENERAL PROVISIONS AND DEFINITIONS

§ 17003.5. Commission as Department of Housing and Community Development

Any reference in this division to the Commission of Housing and Community Development shall be deemed to be to the Department of Housing and Community Development and the department may exercise all the powers and shall perform all the duties of the commission.

Added Stats 1981 ch 996 § 1.

Part 3 MISCELLANEOUS

Chapter 12 HEATING APPLIANCES AND INSTALLATIONS

§ 19881. Restrictions on sale of unvented heaters

(a) No person shall sell, or offer for sale, any new or used unvented heater that is designed to be used inside any dwelling house or unit, with the exception of an electric heater, or decorative gas logs for use in a vented fireplace.

(b) Notwithstanding subdivision (a), natural–gas–fueled unvented decorative gas logs and fireplaces may be sold if the Department of Housing and Community Development and the State Department of Health Services approve of their use, and all of the following are satisfied:

(1) The Department of Housing and Community Development and the State Department of Health Services consider and develop recommended standards for their use. The cost of developing these standards may not exceed one hundred forty–five thousand dollars ($145,000).

(2) Natural–gas–fueled unvented decorative gas logs and fireplaces meet the standards developed in accordance with paragraph (1) by the Department of Housing and Community Development and the State Department of Health Services.

(3) The California Building Standards Commission adopts the standards developed in accordance with paragraph (1) and pursuant to Section 18930.

(4) Natural–gas–fueled unvented decorative gas logs and fireplaces are listed by an agency approved by the Department of Housing and Community Development.

(c) Installation of natural–gas–fueled unvented decorative gas logs and fireplaces sold under standards developed pursuant to subdivision (b) shall be in accordance with the California Building Standards Code.

Added Stats 1970 ch 1217 § 1. Amended Stats 1975 ch 678 § 48; Stats 1996 ch 73 § 1 (SB 798); Stats 1997 ch 17 § 67 (SB 947).

§ 19882. Violation as misdemeanor

Any violation of any provision of this chapter shall be a misdemeanor.

Added Stats 1970 ch 1217 § 1.

Laws and Regulations
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State Housing Law Regulations and Earthquake Protection Law– Regulations: State Housing Law

Title 25. Housing and Community Development

STATE HOUSING LAW REGULATIONS AND EARTHQUAKE PROTECTION LAW– REGULATIONS: STATE HOUSING LAW

STATE HOUSING LAW REGULATIONS AND EARTHQUAKE PROTECTION LAW–REGULATIONS: STATE HOUSING LAW

Title 25. HOUSING AND COMMUNITY DEVELOPMENT

Division 1. HOUSING AND COMMUNITY DEVELOPMENT

Chapter 1. STATE HOUSING LAW REGULATIONS AND EARTHQUAKE PROTECTION LAW REGULATIONS

Subchapter 1. STATE HOUSING LAW REGULATIONS

Article 1. Authority, Application and Scope

§ 1. Application and Scope

(a) The provisions of this subchapter shall apply in all parts of the state and shall apply to the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use height, court area, sanitation, maintenance, and ventilation of all hotels, motels, apartment houses and dwellings, or portions thereof and buildings and structures accessory thereto approved for construction on or after the effective date of this subchapter except as otherwise provided in this subchapter.

(b) The provisions of this subchapter relating to use, maintenance and change of occupancy shall apply to all buildings, or portions thereof, approved for construction or constructed before or after the effective date of this subchapter.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922, Health and Safety Code.
HISTORY:
1. * Repealer of Subchapter 1 (Articles 1–10, Sections 1–244, not consecutive and Appendix A) and new Subchapter 1 (Articles 1–8, Sections 1–134, not consecutive). Filed 10–21–83; effective thirtieth day thereafter (Register 83, No. 43). For prior history, see Registers 83, No. 17; 82, No. 22; 81, No. 2; 79, Nos. 51, 48, 35, 24; and 78, No. 26.
2. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).
* The reorganization of Subchapter 1 is printed as a repealer and adoption for Clarity.

Article 2. Definitions

§ 4. General

The following definitions and the definitions contained in California Code of Regulations, Title 24, shall apply to the provisions of this subchapter as applicable.

"Building Official." The Department or the local government agency so designated as the enforcement agency in Division 13, Part 1.5, Health and Safety Code.

"Labeled." Bearing a label of an approved testing agency or other approved means of identification.

"Local Appeals Board." The board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of these buildings if also authorized to hear these appeals. In any area in which there is no such board or agency, "housing appeals board" means the local appeals board having jurisdiction over the area.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.6 and 17921, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

Article 3. Administration and Enforcement

§ 6. Local Regulations

(a) Except as provided in subsection (b), the governing body of every city or county shall adopt ordinances or regulations imposing the requirements contained in this subchapter. These ordinances and regulations shall be adopted pursuant to Sections 17958, 17958.5, 17958.7, 17958.8, 17958.9 and 17959 of the Health and Safety Code.

(b) The regulations contained in Section 20 and Section 24 (f) through (k) of this subchapter are intended to be enforced by the department. The provisions of these sections need not be adopted by the governing body of any city or county.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, 17958, 17958.5, 17958.7, 17958.8, 17958.9 and 17959, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 8. Temporary Housing

Pursuant to Section 17922.1 of the Health and Safety Code, any city or county may modify or change the requirements contained in this subchapter if it makes a finding that temporary housing is required for use in conjunction with a filed mining claim.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922.1, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 10. Enforcement

Enforcement of the provisions of Division 13, Part 1.5 of the Health and Safety Code and the provisions of this subchapter shall be consistent with Sections 17952, 17960, 17961, 17962, 17964, 17965 and 17966 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17952, 17960, 17961, 17962, 17964, 17965 and 17966, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 12. Appeals

Local appeals boards and their actions shall be consistent with Sections 17920.5, 17920.6 and 17925 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.5, 17920.6 and 17925, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 14. Alternates

Consistent with Section 17951(d) of the Health and Safety Code, the building department of any city or county may, on a case–by–case basis, approve alternate materials, appliances, installations, devices, arrangements, or methods of construction not specifically prescribed in this subchapter.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17922, 17923 and 17951, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 16. Permits to Construct

No person shall erect, construct, enlarge, convert, alter, repair, move, remove, or demolish any building or structure subject to the provisions of this subchapter without first obtaining a written construction permit from the enforcing agency unless such work is exempted, as specified in the California Building Standards Code, California Code of Regulations Title 24, this subchapter, or the other rules and regulations promulgated pursuant to Section 17921 of the California Health and Safety Code. Exemption from permit requirements shall not be deemed to grant authorization

for any work to be done in violation of the provisions of the California Building Standards Code, this subchapter, other state laws, or ordinances lawfully enacted by the local enforcing agency.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

§ 18. Environmental Impact Report

Wherever the Department is the enforcement agency, an environmental impact report or negative declaration prepared by or under the supervision of the local planning agency shall be submitted with an application for a permit to construct a project subject to the Environmental Quality Act of 1970 (Public Resources Code, commencing with Section 21000). The environmental impact report or negative declaration shall comply with the applicable requirements of the California Code of Regulations, Title 14, Division 6, Chapter 3.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 20. Permit and Plan Check Fees

(a) Local Enforcement. Any person submitting an application for a permit to construct shall pay appropriate fees. Valuation of buildings for the purpose of determining fees for permits to construct shall be determined by the enforcement agency. The governing body of any city or county may prescribe fees for permits, certificates, or other forms or documents required or authorized by this subchapter.

(b) Enforcement by the Department. The fees specified in this subchapter shall apply where the Department is the enforcement agency.

(1) Penalty Fees. Where work for which a permit is required by this subchapter is started or proceeded with prior to obtaining that permit, the fees specified in this article may be increased by the enforcement agency but shall not be more than double the fees specified for obtaining the permit; however, the payment of that fee shall not relieve any persons from fully complying with the requirements of this subchapter in the execution of the work or from any penalties prescribed herein.

(2) Plan Check Fees for Identical Buildings. When any person files applications simultaneously to construct two or more buildings which are identical, only one plan check fee will be required. Upon payment of that plan check fee and the filing of an additional set of plans with the enforcement agency, subsequent construction permits may be issued for other identical buildings without payment of plan check fees.

(3) Minimum Permit Fee. The total permit fee is the sum of the fees prescribed in subsections (b)(4), (b)(5) and (b)(6) of this section and in no case shall be less than $15.

(4) Plan Check Fees. Plan check fees shall be equal to one–half of the combined total of construction, mechanical, plumbing and electrical permit fees, as set forth in Tables A, B, and C, however, the minimum fee shall be $10. Those plans which have been returned to the plan submitter for correction shall be resubmitted along with a fee equal to 25 percent of the original plan check fee.

(5) Permit Issuance Fee. The permit issuance fee shall be $10. A single permit may be issued for all work to be accomplished at the same time on the same premises.

(6) Permit Fees.

(A) Table A. Construction Permit Fees.

Total Valuation	Fee
$1 to $500	$10
$501 to $5,000	$10 for the first $500 plus $1 for each additional $ 100 or fraction thereof, to and including $ 5,000.
$5,001 to $25,000	$55 for the first $5,000 plus $3 for each additional thousand or fraction thereof, to and including $ 25,000.
$25,001 to $50,000	$115 for the first $25,000 plus $2.50 for each additional thousand or fraction thereof, to and including $ 50,000.
$50,001 to $100,000	$177.50 for the first $50,000 plus $1.50 for each additional thousand or fraction thereof, to and including $ 100,000.

Total Valuation	Fee
$100,001 and up	$252.50 for the first $100,000 plus $1 for each additional thousand or fraction thereof.

(B) Table B. Mechanical and Plumbing Permit Fees.

Each plumbing fixture, trap, set of fixtures on one trap, including water, drainage piping and back flow protection therefore $1.50
Each building sewer 10.00
Each private sewage disposal system 10.00
Each water heater and/or vent 5.00
Each gas piping system of one to five outlets 5.00
Each gas piping system of six or more, per outlet 1.00
Each gas regulator 1.00
Each water branch service outlet or outlets at the same location, or each fixture supply ..... .30
Each installation of water treating equipment 5.00
Alteration or repair of water piping or water treating equipment 5.00
Alteration or repair of drainage or vent piping 5.00
Each lawn sprinkler system on any one meter, including backflow protection devices thereof 5.00
Vacuum breakers or backflow protective devices on tanks, vats, ect., or for installation on unprotected plumbing fixtures
One to five 2.00
Over five, each additional ..... .30
The installation or relocation of, each forced–air or gravity–type furnace or burner, including ducts and vents attached to an appliance, up to and including 100,000 B.t.u.'s 10.00
The installation or relocation of each forced–air or gravity–type furnace or burner, including ducts and vents attached to an appliance over 100,000 B.t.u.'s 15.00
The installation or relocation of each floor furnace including vent 5.00
The installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater 5.00
The installation, relocation or replacement of each appliance vent installed and not included in an appliance permit 5.00
The repair of, alteration of, or addition to each heating appliance, refrigeration unit, comfort cooling unit, absorption unit, or each comfort heating, cooling, absorption, or evaporative cooling system, including installation of controls 10.00
The installation or relocation of each boiler or compressor to and including three horsepower or each absorption system to and including 100,000 B.t.u.'s 10.00
The installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 B.t.u.'s to and including 500,000 B.t.u.'s 12.50
The installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or for each absorption system over 500,000 B.t.u.'s to and including 1,000,000 B.t.u.'s 15.00
The installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 B.t.u.'s to and including 1,750,000 B.t.u.'s 17.50
The installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 B.t.u.'s 30.00
Each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto 5.00
Note: This fee shall not apply to an air handling unit which is a portion of a factory assembled appliance, comfort cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere.

For each air handling unit over 10,000 cubic feet per minute 7.50
For each evaporative cooler other than portable type 5.00
For each vent fan connected to a single duct 2.00
For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit 5.00
For the installation of each hood which is served by mechanical exhaust, including the ducts for a hood 5.00
For each appliance or piece of equipment regulated by these regulations but not classed in other appliance categories, or for which no other fee is listed in these regulations 5.00

(C) Table C. Electrical Permit Fees.

Each additional outlet, fixture or equipment which has not been included in the original permit 1.00
Each wiring outlet where current is used or controlled except services, sub–feeders and meter outlets ..... .20
Each fixture, socket or other lamp holding device ..... .20
Each motor of not more than one horsepower 1.00
Each motor of more than one horsepower but not more than 3 horsepower 1.50
Each motor of more than 3 horsepower but not more than 8 horsepower 2.00
Each motor of more than 8 horsepower but not more than 14 horsepower 2.50
Each motor of more than 15 horsepower but not more than 50 horsepower 3.00
Each motor of more than 50 horsepower but not more than 100 horsepower 5.00
Each motor of more than 100 horsepower 10.00
Each generator, transformer, or welder–each K.V.A. capacity shall be considered as one horsepower in a motor. Each motor–generator set or frequency changer–the fee charged shall be 100 percent greater than for the motor alone.
Each mercury arc lamp and equipment ..... .50
Each range, water heater or clothes dryer installation 5.00
Each space heater or infrared heat installation 1.00
Each stationary cooking unit, oven, or space heater 1.00
Each garbage disposer, dishwasher, or fixed motor–operated appliance not exceeding one–half horsepower 1.00
Working lights in buildings in course of construction or undergoing repairs, or where temporary lighting is to be used 2.00
Each incandescent electric sign 1.00
Electric signs or outline lighting, luminous gas type with one to four transformers 2.00
Additional transformers, each ..... .25
Each rectifier and synchronous converter, per K.W ..... .25
Each additional circuit for an accessory building or structure or other electrical equipment 1.00
Each service:
600 volts or less, not over 200 amperes 5.00
600 volts or less, over 200 amperes 7.50

(D) Table D–1. Plan–checking Fees (Excavation and Grading).

50 to 100 cubic yard 10.00
101 to 1000 cubic yards 15.00
1001 to 10,000 cubic yards 20.00
10,001 to 100,000 cubic yards ..... $20.00 for the first 10,000 cubic yards, plus $10 for each additional 10,000 cubic yards or fraction thereof

100,001 to 200,000 cubic yards	$110.00 for the first 100,000 cubic yards, plus $6 for each additional 10,000 cubic yards or fraction thereof
200,001 cubic yards or more	$170 for the first 200,000 cubic yards, plus $3 for each additional 10,000 cubic yards or fraction thereof

(E) Table D–2. Grading Permit Fees.

50 cubic yards or less	10.00
50 to 100 cubic yards	15.00
101 to 1000 cubic yards	$15 for the first 100 cubic yards, plus $7 for each additional 100 cubic yards or fraction thereof
1001 to 10,000 cubic yards	$78 for the first 1000 cubic yards, plus $6 for each additional 1000 cubic yards or fraction thereof
10,001 to 100,000 cubic yards	$132 for the first 10,000 cubic yards, plus $27 for each additional 10,000 cubic yards or fraction thereof
100,001 cubic yards or more	$375 for the first 100,000 cubic yards, plus $15 for each additional 10,000 cubic yards or fraction thereof
Permit Extension Fee, Minimum	5.00
Alternate Approval Fee	25.00
Certificate of Occupancy	20.00

(7) Technical Service Fee.

(A) Any city or county may request technical assistance from the Department. The assistance may include inspections or interpretation and clarification of applicable regulations.

(B) Requests for this service shall be submitted to the Department in writing. The fee shall be:

1. $39.00 for the first hour.
2. $19.50 for each additional 30 minutes or fractional part thereof.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17966, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section heading and section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

Article 4. Construction, Additions, Alterations

§ 22. Building Requirements

Except as otherwise permitted or required by Division 13, Part 1.5 of the Health and Safety Code, by this subchapter, and by other applicable laws and regulations, all buildings and structures subject to this subchapter shall comply with the regulations contained in the California Building Code, Part 2, Title 24, California Code of Regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, 18930, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending article heading, section heading and section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 24. Foam Building Systems

(a) General. Foam Building Systems except as otherwise provided in this section shall comply with the requirements contained in Chapter 2–17 in Part 2, Title 24, California Code of Regulations.

Note: Chapter 2–17 of Title 24 adopts Chapter 17 of the 1979 Uniform Building Code by reference. Specific Foam Plastics requirements may be found in Section 1717 of the 1979 UBC.

(b) Application and Scope. This section shall apply to all buildings subject to the provisions of this subchapter. This section shall not apply to plumbing fixtures, furnishings, floor coverings or contents of buildings.

(c) Effective Date. These regulations shall become applicable to the selling, offering for sale, or use in construction of buildings subject to this part, in this state of any foam building system on and after the 180th day after such standards become effective. The effective date of this section is March 2, 1975.

(d) Non–Applicability. This section shall not apply to any building or structure constructed prior to the 180th day after the effective date of these regulations. (August 30, 1975)

(e) Definitions. In addition to the definitions contained in this subchapter, the definitions contained in this section shall apply for purposes of carrying out the administrative and enforcement responsibilities of the Department.

(1) “Foam” means a material (foamed plastic) made by mixing organic polymers with air or other gases in a manner that forms a solid substance with holes filled with air or gas when the mixture is allowed to set.

(2) “Foam Building System” means a system of building materials composed of, in whole or in part, of foam. It includes, but is not limited to, all combinations of systems such as those composed of foam inserted between and bonded to two boundary surface materials or those composed exclusively of foam.

(3) “Manufacturer” is any person who produces “foam” or “foam building systems” as defined in this section.

(f) Enforcement. Except as provided in Section 20 of this subchapter, the Department shall administer and enforce the provisions of this section related to foam building systems.

(1) The Department shall cause such inspections of the manufacture of foam plastic building systems to be made as are necessary to secure compliance with this section.

(2) For purposes of this section, the Department may utilize the services of an approved testing agency and/or an approved listing agency.

(g) Listing and Labeling.

(1) Every foam system intended for on–site application of foam shall be identified with an approved label in a visible location, on all containers. Instructions for use shall accompany each shipment.

(2) Factory–provided “foam building systems” shall be identified with an approved label in a visible location.

(3) All fabricated foam products shall be identified with an approved label.

(4) Foam plastic interior trim shall be identified with an approved label in a visible location.

(h) Department Disapproval of Listed or Labeled Foam or Foam Building Systems. Foam or foam building systems shall not be accepted by the Department when it determines that the foam or foam building systems, even though listed or labeled by an approved testing agency, are not adequate for the protection of health, safety and the general welfare.

(i) Requirements for Approved Testing and/or Listing Agency. An approved testing and/or listing agency shall meet the following requirements of the Department when applicable.

(1) Provide a chart setting forth its organizational structure.

(2) Provide documented evidence showing the agency is in the business of testing and/or listing of materials and systems similar to those defined in this section.

(3) Provide a notarized statement certifying that the agency has no proprietary interest or management ties with the manufacturer or any subsidiary of that manufacturer.

(4) Provide a detailed outline of how the in–plant inspections will be performed and the frequency of these inspections.

(5) Provide an explanation of how discrepancies noted will be recorded and marked, and how corrections will be obtained.

(6) Provide details of how reports are to be made to the Department, together with samples of forms to be used.

(7) Provide an explanation of how certification of foam or foam building systems will be made, and a sample of the listing label or other pertinent information.

(8) Advise the Department within 15 days of any change in address or location.

(9) Keep current information and requirements related to matters governed by this section.

(10) An approved testing agency which does not list and label may be used in conjunction with an approved listing agency, to perform the listing and labeling required to certify a manufacturer’s foam building system.

(j) Approval.—Approved Testing and/or Listing Agency.

(1) Any testing or listing agency may officially request, in writing, Department approval, by submitting the information required in subsection (i) of this section, accompanied by a fee of $100.

(2) The Department shall:

(A) Acknowledge receipt of applications and fees.

(B) Review the applicant’s submissions within a reasonable time and advise the applicant of its approval or disapproval.

(k) Revocation of Approval.—Approved Testing and/or Listing Agency.

The Department may revoke its approval of an approved testing or listing agency for cause. The Department’s revocation may be subject to appeal.

AUTHORITY:

Note: Authority cited: Sections 17003.5, 17920.9, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.9, 17921, Health and Safety Code.

HISTORY:

1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 26. Mechanical—Building Regulations

Except as otherwise permitted or required by Division 13, Part 1.5, of the Health and Safety Code, by this subchapter or by other applicable laws and regulations, all buildings and structures subject to this subchapter shall comply with the regulations contained in the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

Note: The provisions contained in the Unfired Pressure Vessel Safety Orders, California Code of Regulations, Title 8, Part 1, Chapter 4, Subchapter 1, except as permitted or required by the Uniform Mechanical Code, when not otherwise subject to enforcement by the Division of Industrial Safety, Department of Industrial Relations, shall apply to this subchapter.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 28. Electrical—Building Regulations

Except as otherwise permitted or required by Division 13, Part 1.5, of the Health and Safety Code, by this subchapter or by other applicable laws and regulations, all buildings and structures subject to this subchapter shall comply with the regulations contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 30. Plumbing—Building Regulations

Except as otherwise permitted or required by Division 13, Part 1.5, of the Health and Safety Code, by this subchapter, or by other applicable laws and regulations, all buildings and structures subject to the provisions of this subchapter shall comply with the regulations contained in the California Plumbing Code, Part 5, Title 24, California Code of Regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section heading and section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

Article 5. Existing Buildings

§ 32. Space, Occupancy, and Maintenance

Except as otherwise permitted or required by Health and Safety Code, Division 13, Part 1.5, this subchapter or by other applicable laws and regulations, and the provisions of the 1997 Edition of the Uniform Housing Code, Chapters 4, 5, and 6, and Sections 701.2 and 701.3, as adopted by the International Conference of Building Officials, with the following State amendments, are hereby incorporated by reference and shall apply to buildings or structures subject to the provisions of this subchapter.

(a) HOT WATER is water supplied to plumbing fixtures at a temperature of not less than 110 degrees F (43.3 degrees C).

(b) MECHANICAL CODE is the California Mechanical Code contained in Part 4, Title 24, California Code of Regulations.

(c) PLUMBING CODE is the California Plumbing Code contained in Part 5, Title 24, California Code of Regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.
HISTORY:
1. Amendment filed 6–5–86; effective thirtieth day thereafter (Register 86, No. 23).
2. Amendment filed 5–24–89; operative 6–23–89 (Register 89, No. 22).
3. Amendment filed 9–21–92; operative 10–21–92 (Register 92, No. 39).
4. Amendment filed 4–28–95; operative 4–30–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 17).
5. Change without regulatory effect adding new subsection (a) designator and new subsection (b) filed 7–10–95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 28).
6. Amendment filed 7–23–98; operative 8–22–98 (Register 98, No. 30).
7. Change without regulatory effect amending first paragraph filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 34. Heating

(a) Every dwelling unit and guest room used or offered for rent or lease shall be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees F at a point three feet above the floor in all habitable rooms, and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager, shall be required to provide that heat at a minimum temperature of 70 degrees F, 24 hours a day. These facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Uniform Building Code, the Uniform Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.

(b) The provisions of Subsection (a) are subject to the exemption for existing buildings provided in Section 103, of the Uniform Housing Code.

(c) Those buildings and structures which are exempt from the requirements of Section 103 shall be provided with heat at a temperature as close to 70 degrees F as the existing heating facilities are capable of providing at a point three feet above the floor in all habitable rooms when the heating facilities are not under the control of the tenant.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.3, 17921 and 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 36. Rehabilitation and Repair

Rehabilitation and repair of existing buildings and structures subject to this subchapter shall also be subject to those requirements contained in Division 13, Part 1.5 of the Health and Safety Code which are applicable to rehabilitation and repair.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922(c), 50061.5 and 50559, Health and Safety Code. Reference: Sections 17922(c) and 17958.8, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 38. Garbage Receptacles

An adequate number of appropriate receptacles with close–fitting covers for garbage and rubbish as may be considered necessary by the enforcement agency shall be provided for the occupant of every dwelling unit by the owner or operator of every structure or building subject to this subchapter. Each receptacle shall be kept in a clean condition and in good repair.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.3 and 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 40. Bedding

In every apartment house or hotel subject to this part, held out for rent and furnished with a bed and bedding, every part of every bed, including the mattress, sheets, blankets, and bedding shall be kept in a clean, dry and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects. The bed linen in a hotel shall be changed before a new guest occupies the bed. In every dwelling unit where linen is furnished, the linen shall be changed before a new guest occupies the dwelling unit.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.3 and 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 42. Caretaker

A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of an apartment house or hotel does not reside upon said premises. Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17910–17995, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 44. Hotplates

The use of hotplates existing in rooms prior to September 20, 1963, shall be in accordance with the provisions of Section 17921.1 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921.1, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 46. Portable Fire Extinguishers

Portable fire extinguishers shall be provided and maintained in every apartment house and hotel. The number and type of portable fire extinguishers to be installed shall be determined by the enforcement agency. However, the minimum requirements shall be as set forth in Title 19, Chapter 1, Subchapter 3, California Code of Regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

Article 6. Actions and Proceedings

§ 48. Access and Inspections

Access for inspection and repair of buildings subject to the provisions of this subchapter shall be as provided by Sections 17970, 17971, and 17972, of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17970, 17971, 17972, Health and Safety Code.

§ 50. Abatement Actions

Abatement actions instituted by an enforcement agency shall be in accordance with the provisions set forth in Article 3 (commencing with section 17980) of Division 13, Part 1.5 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 through 17990, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 52. Abatement Procedure

The procedures for abatement, prescribed by this article, or other procedures as determined by the enforcement agency to be equivalent for the purpose intended, may be used.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 through 17990, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 54. Nuisances—Notices

Whenever any building or portion thereof, has become substandard as described in Section 17920.3 or is a building as described in 17920.10, of the Health and Safety Code, and when determined to be a nuisance as defined in Section 17920 of the Health and Safety Code by the enforcement agency, the following shall apply:

The enforcement agency shall notify the owner of the building and any mortgagee or beneficiary under any deed of trust, of record, as follows. The notice shall state the conditions causing the building to become substandard or in violation of Section 17920.10 of the Health and Safety Code, and shall order the building, or portion thereof, vacated and shall institute proceedings for the correction or abatement thereof, either by demolition, closing or repair, within

30 days after the date of the notice. If, in the opinion of the enforcement agency, these conditions can be corrected or abated by repair thereof, the notice shall state the repairs which will be required.

If the building is encumbered by a mortgage or deed of trust, of record, and the owner of the building has not complied with the order of the enforcement agency on or before the expiration of 30 days after the mailing and posting of the notice, the mortgagee or beneficiary under the deed of trust may, within 15 days after the expiration of the 30–day period, comply with the requirements of the order of the enforcement agency, in which event the cost to the mortgagee or beneficiary; shall be added to, and become a part of, the lien secured by the mortgage or deed of trust, and shall be payable at the same time and in the same manner as may be prescribed in the mortgage or deed of trust for the payment of any taxes advanced or paid by the mortgagee or beneficiary for and on behalf of the owner.

If the order of the enforcement agency has, not been complied with on or before the expiration of 45 days after the mailing and posting of the notice, the enforcement agency may institute an appropriate action or proceeding to correct or abate the condition, as would be taken to correct or abate any nuisance or any violation of any other provision of this article or, as an alternative procedure, the enforcement agency may institute proceedings for the abatement of the nuisance, after notice and hearing, before the governing board of the agency as follows.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17980 and 17985, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 56. Revolving Fund

For the purpose of providing for the advancement of costs in the enforcement of the provisions of this article, any city or county may create revolving fund or funds from which may be paid the costs of enforcing the provisions of this article and into which may be paid the receipts from the collection of costs or fines imposed in the enforcement thereof.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951, Health and Safety Code.

§ 58. Manner of Giving Notice

The notices required in Section 54 shall be given in the following manner: The enforcement agency shall post conspicuously at least one copy of the notice on the building alleged to have become substandard, and shall send another copy by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located, as that person's name and address appear on the last equalized assessment roll, or as known to the clerk of the governing board of the enforcement agency and to any mortgagee or beneficiary. If the address is unknown to the enforcement agency, this fact shall be stated in the copy so mailed and it shall be addressed to this person at the county seat of the county where the property is situated.

The officer or employee of the enforcement agency upon giving the notice, shall file an affidavit with the clerk of the governing board of the enforcement agency, certifying the time and the manner in which the notice was given along with any receipt card returned in acknowledgment of the receipt of the notice by registered mail. The failure of any owner or other person to receive the notice, shall not affect in any manner the validity of any proceedings taken hereunder.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980, 17985, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 60. Second Notice

(a) If the enforcement agency determines to proceed with the abatement of the nuisance through proceedings instituted before its governing board, it shall give a second notice in the same manner as set forth in Section 58 directing the owner of the building to appear before the governing board of the enforcement agency at a stated time and place and show cause why the building should not be condemned as a nuisance, and the nuisance be abated as provided in this article. A copy of this notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, in the manner prescribed in Section 58. The notice shall be headed "Notice to Abate Nuisance" in letters of not less than three–fourths of an inch in height and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

The owner of the building situated at _____ is hereby notified to appear before _____ (insert name of governing board) of the (insert name of enforcement agency) at its meeting to be held _____, 20__, at _____ (place of meeting) at the hour of __ o'clock __m., or as soon thereafter as the owner may be heard, and show cause, if any, why the building should not be condemned

as a public nuisance and the nuisance be abated by reconstructing or properly repairing the building or by razing or removing it.

Dated _____

_____
(Name of enforcement agency)

By _____
(Name of officer)

(b) The officer or employee of the enforcement agency giving such notice shall file an affidavit of posting and mailing in the manner required by Section 62 hereof, but the failure to any owner or other required by such notice shall not affect in any manner the validity of any proceeding taken hereunder.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 and 17985, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 62. Hearing

(a) At the time fixed in said notice, the governing board of the enforcement agency shall proceed to hear the testimony of the officers or employees of the enforcement agency and the owner or his representatives, if present at said hearing, and other competent persons who may be present and desire to testify, respecting the condition of said building, the estimated cost of its reconstruction, repair or removal, and any other matter which said governing body may deem pertinent thereto. Upon the conclusion of said hearing, said governing board may, by resolution, declare its findings and, in the event that it so concludes, it may declare said building to be a nuisance and direct the owner to abate the same within 30 days after the date of posting on said premises a notice of the passage of said resolution by having said building properly reconstructed or repaired, or having the same razed or removed and notifying said owner that if said nuisance is not abated said building will be razed or removed by the enforcement agency and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

(b) At any time within 60 days after the passage of any resolution directing the abatement of a nuisance, the enforcement agency shall post a copy thereof conspicuously on the building so declared to be a nuisance and mail another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county where said property is situated. The officer or employee of the enforcement agency, upon giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in Section 58 thereof. The governing board of the enforcement agency may grant any extension of time to abate said nuisance that it may deem justifiable upon good cause therefore being shown.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 and 17985, Health and Safety Code.

§ 64. Time to Bring Action

Any owner or other interested person having any objections, or feeling aggrieved at any proceedings taken by the governing board of the enforcement agency in ordering abatements of any nuisance, must bring an action in a court of competent jurisdiction within 30 days after the date of posting on said premises a notice of the passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution; otherwise all objections will be deemed to have been waived.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 and 17985, Health and Safety Code.

§ 66. Jurisdiction to Abate

Thirty days after the posting of the copies of the resolution declaring any building a nuisance, the enforcement agency shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building, unless the nuisance is abated by the owner or other person interested within the 30–day period or any extension thereof granted by the governing board as provided for in this article. In the event that the nuisance is not abated within the time prescribed the enforcement agency may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17959.4, 17980 and 17985, Health and Safety Code.

§ 68. Sale of Materials

The building materials contained in such building so razed or removed may be sold by the governing board at public sale to the highest responsible bidder after not less than five days notice of intended sale published at least once in a newspaper of general circulation published in the city or county wherein such building is located, either before or after said building has been razed or removed and any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building. The enforcement agency shall keep an itemized account of the expense involved in the razing or removing of any such building and shall deduct therefrom the amount received from the sale of the building materials. The enforcement agency shall cause to be posted conspicuously on the property from which the building was razed or removed a statement verified by the officer of the enforcement agency in charge of doing the work showing the gross and net expense of the razing or removing of such building together with a notice of the time and place when and where said statement shall be submitted to the governing board of the enforcement agency for approval and confirmation and at which time said governing board shall consider any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work and any other interested persons. A copy of said statement and notice shall be mailed in the manner prescribed in Section 58 and an affidavit of such posting and mailing shall be filed in the manner prescribed in said section. The time for confirmation shall be not less than five days from the date of the posting and mailing of said statement and notice.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17951, Health and Safety Code.

§ 70. Statement of Expense

(a) At the time fixed for the hearing of the statement of expense the governing board of the enforcement agency shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for doing the work and any other interested persons; and thereupon said governing board may make such revision, correction, or modification in the statement as it may deem just, after which, by motion or resolution, said report as submitted, or in the event any revisions, corrections or modifications have been ordered made by said governing board then said statement as revised, corrected or modified, shall be confirmed. The board may adjourn said hearings from time to time and its decisions on said statement and on all protests and objections which may be made shall be final and conclusive.

(b) In the event that the cost for razing or removing the nuisance exceeds the proceeds received from the sale of any materials, then the amount of the net expense of abating the nuisance, if not paid within five days after the decision of the governing board on its statement, shall constitute a lien on the real property upon which the same was abated or removed, which lien shall continue until the amount thereof and interest thereon at the rate of 6 percent per annum, computed from the date of confirmation of the statement until paid, or until it is discharged of record. This lien shall, for all purposes, be upon parity with the lien of State, county, and municipal taxes. In the event of nonpayment, the governing board shall, at any time within 60 days after the decision of the governing board on the statement, cause to be filed in the office of the county recorder of the county in which the property is located a certificate substantially in the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the undersigned by Division 13, Part 1.5 of the Health and Safety Code and California Code of Regulations, Title 25, Chapter 1, Subchapter 1, of the State of California, the undersigned did on the __ day of __, 20__, cause a nuisance to be abated on the real property hereinafter described; and the undersigned did on the __ day of __, 20__, by action duly recorded in its official minutes as of that date, assess the cost of the abatement, less the amount received from the sale of any building materials upon the real property hereinafter described, and the same has not been paid nor any part thereof; and the __ (enforcement agency) does hereby claim a lien on the real property for the net expense of the doing of the work in the sum of $__, and the same shall be a lien upon the real property until the sum, with interest at the rate of 6 percent per annum, from the __day of __., 20__, (insert date of confirmation of statement) has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of __, County of __, State of __, and particularly described as follows:

Dated _____

_____
(Name of enforcement agency)

By _____
(Name of officer)

(c) From and after the date of the recording of said notice of lien all persons shall be deemed to have had notice of the contents thereof. The statute of limitations shall not run against the right of the enforcement agency to enforce the payment of said lien.

(d) In the event that the amount received from the sale of material exceeds the expenses of razing or removing such building, then such excess shall be deposited with the treasurer of the enforcement agent to the credit of the owner of said property or to such other person legally entitled thereto, and such excess shall be payable to said owner or other person on demand and upon producing evidence of ownership satisfactory to said treasurer.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending subsection (b) filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

Article 7. Penalties

§ 72. Penalties

Any violation of this subchapter or of the Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910 (State Housing Law) shall be subject to the penalties as set forth in Section 17995 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17995, 50061.5 and 50559, Health and Safety Code. Reference: Section 17995, Health and Safety Code.

Article 8. Regulations for Limited Density Owner–Built Rural Dwellings

§ 74. Purpose

The purpose of this article is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density owner–built rural dwellings and appurtenant structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of limited density, rural owner–built dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and the statutes of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards. Any section, subsection, sentence, clause, or phrase of this article if, for any reason, held to be unconstitutional, or contrary to California statutes, such ruling shall not affect the validity of the remaining portions of this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 76. Intent and Application

The provisions of this article shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner–built rural dwellings and appurtenant structures.

It is the intent of this article that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms located in rural areas.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 78. Definitions

For the purposes of this article the following definitions shall apply:

“Limited density, rural dwelling.” A “limited density, rural dwelling” is any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this article.

“Owner built.”

(a) “Owner built” shall mean constructed by any person or family who acts as the general contractor for, or the

provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy.

(b) For the purposes of this article the sale, lease, renting (see local authority Section 82(b)) or employee occupancy of owner–built structures in one year of issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, or renting.

"Rural." For the purpose of this article only, "rural" shall mean those unincorporated areas of counties designated and zoned by the appropriate local agency for the application of this article. In defining "rural," the agency shall consider local geographical or topographical conditions, conditions of general development as evidenced by population densities and availability of utilities or services, and such other conditions that the agency deems relevant to its determination.

Suitable areas may include those wherein the predominate land usage is forestry, timber production, agriculture, grazing, recreation, or conservation.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922(b), Health and Safety Code.

§ 80. Local Standards

Pursuant to Sections 17958, 17958.5, and 17958.7 of the Health and Safety Code, the governing body of every jurisdiction in which there exist rural areas displaying conditions appropriate for the application of this article and designated as such by the appropriate local agency shall adopt regulations imposing the same requirements as are contained in this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17958.2 and 17922(b), Health and Safety Code.

§ 82. Regulation of Use

(a) For the purposes of this article the sale, lease, renting or employee occupancy of owner–built structures within one year of the issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting.

(b) The restrictions of this article on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the governing body determines that such an amendment is necessary to ensure compliance with the intent of this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17958.2, Health and Safety Code.

§ 84. Abatement of Substandard Buildings

All structures or portions thereof which are determined by the enforcing agency to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal in accordance with Health and Safety Code Sections 17980 through 17995. In cases of extreme hardship to owner–occupants of the dwellings, the appropriate local body should provide for deferral of the effective date of orders of abatement.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 through 17995, Health and Safety Code.

§ 86. Petitions for Interpretations

Any person or local agency may petition the Department for an interpretation of any provision of this article. Petitions shall be submitted in writing, after which the Department may consider such requests and the Department may make a determination as to the meaning or intent of any provision of this article with respect to the petition in question. The consideration of petitions for interpretation shall be discretionary with the Department.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

§ 88. Interpretation

Interpretations by the Department as to the meaning, intent, or application of the provisions of this article are not intended to preempt the exercising of building or housing appeals processes established by Sections 17930–17932 of the Health and Safety Code, but are intended to facilitate public understanding and the effective enforcement of this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

§ 90. Notice of Findings

The Department shall keep a record of all interpretations made by the Commission which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Department's findings.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

§ 92. Recording

No provision of this article is intended to prohibit or limit a local governing body from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and appurtenant structures.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17958.5, Health and Safety Code.

§ 94. Violations

The critical concern in the promulgation of this article is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this article, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17980, 50061.5 and 50559, Health and Safety Code. Reference: Section 17980, Health and Safety Code.

§ 96. Permits

Permits shall be required for the construction of rural dwellings and appurtenant structures. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this article. When the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this article, the agency shall issue a permit therefore to the applicant.

Exemptions: Permits shall not be required for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the appropriate local agencies.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922(b), Health and Safety Code.

§ 98. Application

To obtain a permit, the applicant shall first file an application therefore with the designated enforcement agency. Permit applications shall contain the following information: (1) name and mailing address of the applicant; (2) address and location of the proposed structure(s); (3) a general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details; (4) a plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways; (5) approval for the installation of a private sewage disposal system or alternate waste disposal means from the local health enforcement agency; (6) a stipulation by the applicant that the building or structure is to be owner–built; (7) the signature of the owner or authorized agent; (8) the use or occupancy for which the work is intended; (9) and any other data or information as may be required by statute or regulation.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922(b), Health and Safety Code.

§ 100. Plans

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the enforcement agency cannot make a reasonable judgment of conformance to this article based upon the general description and simplified plan(s).

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951(d), Health and Safety Code.

§ 102. Waiver of Plans

The enforcement agency may waive the submission of any plans if the agency finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951(d), Health and Safety Code.

§ 104. Modifications

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this article and the enforcement agency is notified in writing of the intended modification.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951, Health and Safety Code.

§ 106. Permit Validity

Permits shall be valid, without renewal, for a minimum period of three years.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 108. Inspections

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency. If an inspection is required, the inspection of the building or structure(s) shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this article. Structures of conventional or simple construction shall be inspected at a single inspection.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

§ 110. Special Inspections

Additional inspections may be conducted under the following circumstances: An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions; or the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17970, 17953, 17954 and 17955, Health and Safety Code.

§ 112. Inspection Waivers

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

§ 114. Inspection Requests and Notice

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises. Inspections shall be requested by the applicant at least (48) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the inspection is to be conducted.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

§ 116. Certificate of Occupancy

After the structure(s) is completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, the enforcement agency shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17958, Health and Safety Code.

§ 118. Temporary Occupancy

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 120. Fees

Fees may be required and collected by the enforcement agency to provide for the cost of administering the provisions of this article. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 17952(b), 50061.5 and 50559, Health and Safety Code. Reference: Sections 17951 and 17952(b), Health and Safety Code.

§ 122. General Requirements

(a) Each structure shall be constructed in accordance with applicable requirements contained in Subchapter 2–12, Title 24, California Code of Regulations.

(b) Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending subsection (a) filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 124. Intent of General Requirements

It shall be the purpose and intent of this article to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this article, it shall be necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this article.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17923, Health and Safety Code.

§ 126. Technical Codes to Be a Basis of Approval

Except as otherwise required by this article, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the uniform technical codes. Such codes shall be a basis for approval.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

§ 128. Mechanical Requirements

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this article, shall be installed and vented in accordance with the applicable requirements contained in the California Mechanical

Code, Part 4, Title 24, California Code of Regulations.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 130. Electrical Requirements

No dwelling or appurtenant structure constructed pursuant to this article shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 132.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

§ 132. Installation Requirements

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations.

Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcement agency determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the enforcement agency may require further electrification of the structure.

It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

§ 134. Plumbing Requirements

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the California Plumbing Code, Part 5, Title 24, California Code of Regulations applicable to the construction of limited density owner–built rural dwellings.

AUTHORITY:
Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.
HISTORY:
1. Change without regulatory effect amending section filed 6–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

Laws and Regulations
2014 Edition

State Housing Law — Miscellaneous Statutes

Civil Code
Government Code
Health and Safety Code

STATE HOUSING LAW—MISCELLANEOUS STATUTES

STATE HOUSING LAW—MISCELLANEOUS STATUTES

CIVIL CODE

Division 2 PROPERTY

Part 1 PROPERTY IN GENERAL

Title 2 OWNERSHIP

Chapter 2 MODIFICATIONS OF OWNERSHIP

Article 2 Conditions Of Ownership

§ 714. Unenforceability of restrictions on use of solar energy system; Standards for solar energy systems; Approval process; Penalty for willful violation; Attorneys' fees; Compliance by public entity seeking grant or loan funds

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(c)(1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agencies. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.

(3) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

(1)(A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, "significantly" means an amount exceeding 20 percent of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20 percent, as originally specified and proposed.

(B) For photovoltaic systems that comply with state and federal law, "significantly" means an amount not to exceed two thousand dollars ($2,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 20 percent as originally specified and proposed.

(2) "Solar energy system" has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e)(1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is ~~a homeowners'~~ an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 60 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars ($1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney's fees.

(h)(1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

Added Stats 1978 ch 1154 § 3. Amended Stats 1990 ch 1517 § 2 (AB 3689), operative July 1, 1991; Stats 1992 ch 1222 § 1 (AB 3554); Stats 1994 ch 382 § 1 (SB 1553); Stats 1995 ch 91 § 16 (SB 975); Stats 2002 ch 570 § 1 (SB 1534); Stats 2003 ch 290 § 1 (AB 1407); Stats 2004 ch 789 § 2 (AB 2473); Stats 2008 ch 40 § 1 (AB 1892), ch 539 § 1 (AB 2180), ch 539 § 2 (AB 2180) (ch 539 § 2 prevails), effective January 1, 2009; Stats 2012 ch 181 § 20 (AB 806), effective January 1, 2013, operative January 1, 2014; Stats 2013 ch 605 § 8 (SB 752), effective January 1, 2014.

GOVERNMENT CODE

Title 2 GOVERNMENT OF THE STATE OF CALIFORNIA

Division 3 EXECUTIVE DEPARTMENT

Part 2.8 DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

Chapter 6 DISCRIMINATION PROHIBITED

Article 2 Housing Discrimination

§ 12955.1. Discrimination by failure to make covered multifamily dwelling accessible by disabled persons

(a) For purposes of Section 12955, "discrimination" includes, but is not limited to, a failure to design and construct a covered multifamily dwelling in a manner that allows access to, and use by, disabled persons by providing, at a minimum, the following features:

(1) All covered multifamily dwellings shall have at least one building entrance on an accessible route, unless it is impracticable to do so because of the terrain or unusual characteristics of the site. The burden of establishing impracticability because of terrain or unusual site characteristics is on the person or persons who designed or constructed the housing facility.

(2) All covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in a manner that complies with all of the following:

(A) The public and common areas are readily accessible to and usable by persons with disabilities.

(B) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons in wheelchairs.

(C) All premises within covered multifamily dwelling units contain the following features of adaptable design:

(i) An accessible route into and through the covered dwelling unit.

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

(iii) Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall, and shower seat, where those facilities are provided.

(iv) Useable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(b)(1) For purposes of Section 12955, "discrimination" includes, but is not limited to, a failure to design and construct 10 percent of the multistory dwelling units in buildings without an elevator that consist of at least four condominium dwelling units or at least three rental apartment dwelling units in a manner that incorporates an accessible route to the primary entry level entrance and that meets the requirements of paragraph (2) of subdivision (a) with respect to the ground floor, at least one bathroom on the primary entry level and the public and common areas. Any fraction thereof shall be rounded up to the next whole number. For purposes of this subdivision, "elevator" does not include an elevator that serves only the first ground floor or any nonresidential area. In multistory dwelling units in these buildings without elevators, the "primary entry level entrance" means the principal entrance through which most people enter the dwelling unit, as designated by the California Building Standards Code or, if not designated by California Building Standards Code, by the building official. To determine the total number of multistory dwelling units subject to this subdivision, all multistory dwelling units in the buildings subject to this subdivision on a site shall be considered collectively. This subdivision shall not be construed to require an elevator within an individual multistory dwelling unit or within a building subject to this subdivision. This subdivision shall apply only to multistory dwelling units in a building subject to this subdivision for which an application for a construction permit is submitted on or after July 1, 2005.

(2) Notwithstanding subdivision (c), the Division of the State Architect and the Department of Housing and Community Development may adopt regulations to clarify, interpret, or implement this subdivision, if either of them deem it necessary and appropriate.

(c) Notwithstanding Section 12935, regulations adopting building standards necessary to implement, interpret, or make specific the provisions of this section shall be developed by the Division of the State Architect for public housing and by the Department of Housing and Community Development for all other residential occupancies, and shall be adopted pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of the Health and Safety Code. Prior to the effective date of regulations adopted pursuant to this subdivision, existing federal accessibility standards that provide, to persons with disabilities, greater protections than existing state accessibility regulations shall apply. After regulations pursuant to this subdivision become effective, particular state regulations shall apply if they provide, to persons with disabilities, the same protections as, or greater protections than, the federal standards. If particular

federal regulations provide greater protections than state regulations, then those federal standards shall apply. If the United States Department of Housing and Urban Development determines that any portion of the state regulations are not equivalent to the federal standards, the federal standards shall, as to those portions, apply to the design and construction of covered multifamily dwellings until the state regulations are brought into compliance with the federal standards. The appropriate state agency shall provide notice pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 5 of Division 3 of Title 2) of that determination.

(d) In investigating discrimination complaints, the department shall apply the building standards contained in the California Building Standards Code to determine whether a covered multifamily dwelling is designed and constructed for access to and use by disabled persons in accordance with this section.

(e) The building standard requirements for persons with disabilities imposed by this section shall meet or exceed the requirements under the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and its implementing regulations (24 C.F.R. 100.1 et seq.) and the existing state law building standards contained in the California Building Standards Code.

Added Stats 1992 ch 182 § 8 (SB 1234). Amended Stats 1993 ch 1277 § 5 (AB 2244); Stats 2003 ch 642 § 1 (SB 1025).

§ 12955.1.1. "Covered multifamily dwellings" and "multistory dwelling unit" defined

For purposes of Section 12955.1, the following definitions shall apply:

(a) "Covered multifamily dwellings" means both of the following:

(1) Buildings that consist of at least four condominium dwelling units or at least three rental apartment dwelling units if the buildings have at least one elevator. For purposes of this definition, dwelling units within a single structure separated by firewalls do not constitute separate buildings.

(2) The ground floor dwelling units in buildings that consist of at least four condominium dwelling units or at least three rental apartment dwelling units if the buildings do not have an elevator. For purposes of this definition, dwelling units within a single structure separated by firewalls do not constitute separate buildings.

(b) "Multistory dwelling unit" means a condominium dwelling unit or rental apartment with finished living space on one floor and the floor immediately above or below it or, if applicable, the floors immediately above and below it.

Added Stats 2003 ch 642 § 2 (SB 1025).

HEALTH AND SAFETY CODE

Division 12 FIRES AND FIRE PROTECTION

Part 2 FIRE PROTECTION

Chapter 1 STATE FIRE MARSHAL

Article 1 General

§ 13108.1. Review of insulation flammability standards

The State Fire Marshal, in consultation with the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation, shall review the flammability standards for building insulation materials, including whether the flammability standards for some insulation materials can only be met with the addition of chemical flame retardants. Based on this review, and if the State Fire Marshal deems it appropriate, he or she shall, by July 1, 2015, propose for consideration by the California Building Standards Commission, to be adopted at the sole discretion of the commission, updated insulation flammability standards that accomplish both of the following:

(a) Maintain overall building fire safety.

(b) Ensure that there is adequate protection from fires that travel between walls and into confined areas, including crawl spaces and attics, for occupants of the building and any firefighters who may be in the building during a fire.

Added Stats 2013 ch 579 § 2 (AB 127), effective January 1, 2014.

§ 13108.5. Proposal and adoption of fire protection building standards for roofs, exterior walls, and certain structure projections and structure openings

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

(b) Building standards adopted pursuant to this section shall also apply to buildings located in very high fire hazard severity zones designated pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, and other areas designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards adopted pursuant to this section are necessary for effective fire protection within the area.

(c) Building standards adopted pursuant to this section shall also apply to buildings located in urban wildland interface communities. A local agency may, at its discretion, include in or exclude from the requirements of these building standards any area in its jurisdiction following a finding supported by substantial evidence in the record at a public hearing that the requirements of these building standards are necessary or not necessary, respectively, for effective fire protection within the area. Changes made by a local agency to an urban wildland interface community area following a finding supported by substantial evidence in the record shall be final and shall not be rebuttable.

(d) For purposes of subdivision (c), “urban wildland interface community” means a community listed in “Communities at Risk from Wild Fires,” produced by the California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, pursuant to the National Fire Plan, federal Fiscal Year 2001 Department of the Interior and Related Agencies Appropriations Act (Public Law 106–291).

Added Stats 1981 ch 728 § 1. Amended Stats 1982 ch 806 § 1; Stats 1987 ch 955 § 1; Stats 1992 ch 427 § 96 (AB 3355), ch 1188 § 2 (AB 337) (ch 1188 prevails); Stats 1994 ch 843 § 3 (AB 3819), effective September 25, 1994; Stats 2003 ch 688 § 2 (AB 1216); Stats 2004 ch 183 § 195 (AB 3082).

§ 13113.7. Installation of smoke alarms in dwellings

(a)(1) Except as otherwise provided in this section, smoke alarms, approved and listed by the State Fire Marshal pursuant to Section 13114 at the time of installation, shall be installed, in accordance with the manufacturer’s instructions in each dwelling intended for human occupancy .

(2) For all dwelling units intended for human occupancy for which a building permit is issued on or after January 1, 2014, for alterations, repairs, or additions exceeding one thousand dollars ($1,000), the permit issuer shall not sign

off on the completion of work until the permittee demonstrates that all smoke alarms required for the dwelling unit are devices approved and listed by the State Fire Marshal pursuant to Section 13114.

(3) However, if any local rule, regulation, or ordinance, adopted prior to January 1, 1987, requires installation in a dwelling unit intended for human occupancy of smoke alarms which receive their power from the electrical system of the building and requires compliance with the local rule, regulation, or ordinance at a date subsequent to the dates specified in this section, the compliance date specified in the rule, regulation, or ordinance shall, but only with respect to the dwelling units specified in this section, take precedence over the date specified in this section.

(4) Unless prohibited by local rules, regulations, or ordinances, a battery-operated smoke alarm, which otherwise met the standards adopted pursuant to Section 13114 for smoke alarms at the time of installation, satisfies the requirements of this section.

(5) A fire alarm system with smoke detectors installed in accordance with the State Fire Marshal's regulations may be installed in lieu of smoke alarms required pursuant to paragraph (1) or (2) of this subdivision, or paragraph (3) of subdivision (d).

(b) "Dwelling units intended for human occupancy," as used in this section, includes a one-or two-unit dwelling, lodging house, apartment complex, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit of a multiple-unit dwelling complex , or factory-built housing as defined in Section 19971. For the purpose of this part, "dwelling units intended for human occupancy" does not include manufactured homes as defined in Section 18007, mobilehomes as defined in Section 18008, and commercial coaches as defined in Section 18001.8.

(c) A high-rise structure, as defined in subdivision (b) of Section 13210 and regulated by Chapter 3 (commencing with Section 13210), and which is used for purposes other than as dwelling units intended for human occupancy, is exempt from the requirements of this section.

(d)(1) The owner shall be responsible for testing and maintaining alarms in hotels, motels, lodging houses, apartment complexes, and other multiple-dwelling complexes in which units are neither rented nor leased.

(2) The owner of a hotel, motel, lodging house, apartment complex, or other multiple-dwelling complex in which units are rented or leased, and commencing January 1, 2014, the owner of a single-family dwelling that is rented or leased, shall be responsible for testing and maintaining alarms required by this section as follows:

(A) An owner or the owner's agent may enter any dwelling unit, efficiency dwelling unit, guest room, and suite owned by the owner for the purpose of installing, repairing, testing, and maintaining single station smoke alarms required by this section. Except in cases of emergency, the owner or owner's agent shall give the tenants of each such unit, room, or suite reasonable notice in writing of the intention to enter and shall enter only during normal business hours. Twenty-four hours shall be presumed to be reasonable notice in absence of evidence to the contrary.

(B) At the time that a new tenancy is created, the owner shall ensure that smoke alarms are operable. The tenant shall be responsible for notifying the manager or owner if the tenant becomes aware of an inoperable smoke alarm within his or her unit. The owner or authorized agent shall correct any reported deficiencies in the smoke alarm and shall not be in violation of this section for a deficient smoke alarm when he or she has not received notice of the deficiency.

(3) On or before January 1, 2016, the owner of a dwelling unit intended for human occupancy in which one or more units is rented or leased shall install additional smoke alarms, as needed, to ensure that smoke alarms are located in compliance with current building standards. Existing alarms need not be replaced unless the alarm is inoperable. New smoke alarms installed in compliance with current building standards may be battery operated provided the alarms have been approved by the State Fire Marshal for sale in the state. This paragraph shall not apply to fire alarm systems with smoke detectors, fire alarm devices that connect to a panel, or other devices that use a low-power radio frequency wireless communication signal.

(e) A violation of this section is an infraction punishable by a maximum fine of two hundred dollars ($200) for each offense.

(f) This section shall not affect any rights which the parties may have under any other provision of law because of the presence or absence of a smoke alarm.

Added Stats 1984 ch 1390 § 1. Amended Stats 2012 ch 420 § 1 (SB 1394), effective January 1, 2013.

§ 13113.8. Smoke alarm requirements for single-family dwellings and factory-built housing; Transfer requirements; Exceptions

(a) On and after January 1, 1986, every single-family dwelling and factory-built housing, as defined in Section 19971, which is sold shall have an operable smoke alarm. At the time of installation, the alarm shall be approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations. Unless prohibited by local rules, regulations, or ordinances, a battery-operated smoke alarm that met the standards adopted pursuant to Section 13114 for smoke alarms at the time of installation shall be deemed to satisfy the requirements of this section.

(b) On and after January 1, 1986, the transferor of any real property containing a single-family dwelling, as described in subdivision (a), whether the transfer is made by sale, exchange, or real property sales contract, as defined in Section 2985 of the Civil Code, shall deliver to the transferee a written statement indicating that the transferor is in compliance with this section. The disclosure statement shall be either included in the receipt for deposit in a real estate transaction, an addendum attached thereto, or a separate document.

(c) The transferor shall deliver the statement referred to in subdivision (b) as soon as practicable before the transfer of title in the case of a sale or exchange, or prior to execution of the contract where the transfer is by a real property sales contract, as defined in Section 2985. For purposes of this subdivision, "delivery" means delivery in person or by mail to the transferee or transferor, or to any person authorized to act for him or her in the transaction, or to additional transferees who have requested delivery from the transferor in writing. Delivery to the spouse of a transferee or transferor shall be deemed delivery to a transferee or transferor, unless the contract states otherwise.

(d) This section does not apply to any of the following:

(1) 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.

(2) 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 a trustee in bankruptcy, transfers by eminent domain, or transfers resulting from a decree for specific performance.

(3) Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfers by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale.

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

(5) Transfers from one coowner to one or more coowners.

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

(7) Transfers between spouses resulting from a decree of dissolution of a marriage, from a decree of legal separation, or from a property settlement agreement incidental to either of those decrees.

(8) Transfers by the Controller in the course of administering the Unclaimed Property Law provided for in Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

(9) Transfers under the provisions of 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.

(e) No liability shall arise, nor any action be brought or maintained against, any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow, for any error, inaccuracy, or omission relating to the disclosure required to be made by a transferor pursuant to this section. However, this subdivision does not apply to a licensee, as defined in Section 10011 of the Business and Professions Code, where the licensee participates in the making of the disclosure required to be made pursuant to this section with actual knowledge of the falsity of the disclosure.

(f) Except as otherwise provided in this section, this section shall not be deemed to create or imply a duty upon a licensee, as defined in Section 10011 of the Business and Professions Code, or upon any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow, to monitor or ensure compliance with this section.

(g) No transfer of title shall be invalidated on the basis of a failure to comply with this section, and the exclusive remedy for the failure to comply with this section is an award of actual damages not to exceed one hundred dollars ($100), exclusive of any court costs and attorney's fees.

(h) Local ordinances requiring smoke alarms in single-family dwellings may be enacted or amended. However, the ordinances shall satisfy the minimum requirements of this section.

(i) For the purposes of this section, "single-family dwelling" includes a one- or two-unit dwelling, but does not include a manufactured home as defined in Section 18007, a mobilehome as defined in Section 18008, or a commercial coach as defined in Section 18001.8.

Added Stats 1984 ch 1228 § 1. Amended Stats 1985 ch 982 § 2.5; Stats 2012 ch 420 § 2 (SB 1394), effective January 1, 2013.

§ 13132.7. Fire retardant roof covering

(a) Within a very high fire hazard severity zone designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code and within a very high hazard severity zone designated by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(b) In all other areas, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class C as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(c) Notwithstanding subdivision (b), within state responsibility areas classified by the State Board of Forestry and Fire Protection pursuant to Article 3 (commencing with Section 4125) of Chapter 1 of Part 2 of Division 4 of the Public

Resources Code, except for those state responsibility areas designated as moderate fire hazard responsibility zones, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(d)(1) Notwithstanding subdivision (a), (b), or (c), within very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code or by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class A as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(2) Paragraph (1) does not apply to any jurisdiction containing a very high fire hazard severity zone if the jurisdiction fulfills both of the following requirements:

(A) Adopts the model ordinance approved by the State Fire Marshal pursuant to Section 51189 of the Government Code or an ordinance that substantially conforms to the model ordinance of the State Fire Marshal.

(B) Transmits, upon adoption, a copy of the ordinance to the State Fire Marshal.

(e) The State Building Standards Commission shall incorporate the requirements set forth in subdivisions (a), (b), and (c) by publishing them as an amendment to the California Building Standards Code in accordance with Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13.

(f) Nothing in this section shall limit the authority of a city, county, city and county, or fire protection district in establishing more restrictive requirements, in accordance with current law, than those specified in this section.

(g) This section shall not affect the validity of an ordinance, adopted prior to the effective date for the relevant roofing standard specified in subdivisions (a) and (b), by a city, county, city and county, or fire protection district, unless the ordinance mandates a standard that is less stringent than the standards set forth in subdivision (a), in which case the ordinance shall not be valid on or after the effective date for the relevant roofing standard specified in subdivisions (a) and (b).

(h) Any qualified historical building or structure as defined in Section 18955 may, on a case-by-case basis, utilize alternative roof constructions as provided by the State Historical Building Code.

(i) The installer of the roof covering shall provide certification of the roof covering classification, as provided by the manufacturer or supplier, to the building owner and, when requested, to the agency responsible for enforcement of this part. The installer shall also install the roof covering in accordance with the manufacturer's listing.

(j) No wood roof covering materials shall be sold or applied in this state unless both of the following conditions are met:

(1) The materials have been approved and listed by the State Fire Marshal as complying with the requirements of this section.

(2) The materials have passed at least ~~five~~ 5 years of the 10-year natural weathering test. The 10-year natural weathering test required by this subdivision shall be conducted in accordance with standard 15-2 of the 1994 edition of the Uniform Building Code at a testing facility recognized by the State Fire Marshal.

(k) The Insurance Commissioner shall accept the use of fire retardant wood roof covering material that complies with the requirements of this section, used in the partial repair or replacement of nonfire retardant wood roof covering material, as complying with the requirement in Section 2695.9 of Title 10 of the California Code of Regulations relative to matching replacement items in quality, color, and size.

(l) No common interest development, as defined in Section 4100 or 6534 of the Civil Code, may require ~~a homeowner~~ an owner to install or repair a roof in a manner that is in violation of this section. The governing documents, as defined in Section 4150 or 6552 of the Civil Code, of a common interest development within a very high fire severity zone shall allow for at least one type of fire retardant roof covering material that meets the requirements of this section.

Added Stats 2001 ch 244 § 2 (AB 326), operative July 1, 2002. Amended Stats 2004 ch 318 § 2 (AB 224); Stats 2012 ch 181 § 63 (AB 806), effective January 1, 2013, operative January 1, 2014; Stats 2013 ch 605 § 35 (SB 752), effective January 1, 2014.

Article 2 The State Board Of Fire Services

§ 13143.5. (First of two) Enforcement fees prohibited

Neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing the provisions of Section 13143 or regulations adopted pursuant thereto with respect to facilities providing nonmedical board, room, and care for six or less children which are required to be licensed under the provisions of Chapter 2 (commencing with Section 1250) of Division 2.

Added Stats 1973 ch 1204 § 2.

§ 13143.5. (Second of two) Adoption of more stringent building standards; Report; Exemptions

(a) Notwithstanding Part 2 (commencing with Section 13100) of Division 12, Part 1.5 (commencing with Section 17910) of Division 13, and Part 2.5 (commencing with Section 18901) of Division 13, any city, county, or city and county may, by ordinance, make changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety and the other regulations adopted pursuant to this part. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(c) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(d) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or new additions to existing dwelling units.

(e) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(f)(1) A city, county, or city and county that adopts an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(g) On or before October 1, 1991, and each October 1 thereafter, the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, shall transmit a report to the State Building Standards Commission on the more stringent requirements, adopted by a city, county, or city and county, pursuant to this section or adopted by a fire protection district and ratified pursuant to Section 13869.7, to the building standards relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code. The report shall be for informational purposes only and shall include a summary by the department and the office of the reasons cited as the necessity for the more stringent requirements. The report required pursuant to this subdivision shall apply to any more stringent requirements adopted or ratified on or after January 1, 1991.

(h) All structures governed by Part 2.7 (commencing with Section 18950) of Division 13 are exempt from the permissive authority granted by subdivision (a).

Added Stats 1990 ch 1111 § 3 (AB 2666). Amended Stats 1991 ch 1091 § 97 (AB 1487); Stats 1992 ch 661 § 1 (AB 3206); Stats 1993 ch 906 § 12 (AB 557), effective October 7, 1993, operative January 1, 1994.

Chapter 8 CARBON MONOXIDE POISONING PREVENTION ACT OF 2010

§ 13260. Citation of chapter

This chapter shall be known and may be cited as the Carbon Monoxide Poisoning Prevention Act of 2010.

Added Stats 2010 ch 19 § 3 (SB 183).

§ 13261. Findings and declarations

The Legislature finds and declares all of the following:

(a) According to the American Medical Association, carbon monoxide is the leading cause of accidental poisoning deaths in the United States. The federal Centers for Disease Control and Prevention estimate that carbon monoxide kills approximately 500 people each year and injures another 20,000 people nationwide.

(b) According to the United States Environmental Protection Agency, a person cannot see or smell carbon monoxide. At high levels carbon monoxide can kill a person in minutes. Carbon monoxide is produced whenever any fuel, such as gas, oil, kerosene, wood, or charcoal, is burned.

(c) The State Air Resources Board estimates that every year carbon monoxide accounts for between 30 and 40 avoidable deaths, possibly thousands of avoidable illnesses, and between 175 and 700 avoidable emergency room and hospital visits.

(d) There are well-documented chronic health effects of acute carbon monoxide poisoning or prolonged exposure to carbon monoxide, including, but not limited to, lethargy, headaches, concentration problems, amnesia, psychosis, Parkinson's disease, memory impairment, and personality alterations.

(e) Experts estimate that equipping every home with a carbon monoxide device would cut accident-related costs by 93 percent. Eighteen states and a number of large cities have laws mandating the use of carbon monoxide devices.

(f) Carbon monoxide devices provide a vital, highly effective, and low-cost protection against carbon monoxide poisoning and these devices should be made available to every home in California.

(g) The Homeowners' Guide to Environmental Hazards prepared pursuant to Section 10084 of the Business and Professions Code is an important educational tool and should include information regarding carbon monoxide. It is the intent of the Legislature that when the booklet is next updated as existing resources permit, or as private resources are made available, it be updated to include a section on carbon monoxide.

Added Stats 2010 ch 19 § 3 (SB 183).

§ 13262. Definitions

For purposes of this chapter, the following definitions shall apply:

(a) "Carbon monoxide device" means a device that meets all of the following requirements:

(1) A device designed to detect carbon monoxide and produce a distinct, audible alarm.

(2) A device that is battery powered, a plug-in device with battery backup, or a device installed as recommended by Standard 720 of the National Fire Protection Association that is either wired into the alternating current power line of the dwelling unit with a secondary battery backup or connected to a system via a panel.

(3) If the device is combined with a smoke detector, the combined device shall comply with all of the following:

(A) The standards that apply to carbon monoxide alarms as described in this chapter.

(B) The standards that apply to smoke detectors, as described in Section 13113.7.

(C) The combined device emits an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

(4) The device has been tested and certified, pursuant to the requirements of the American National Standards Institute (ANSI) and Underwriters Laboratories Inc. (UL) as set forth in either ANSI/UL 2034 or ANSI/UL 2075, or successor standards, by a nationally recognized testing laboratory listed in the directory of approved testing laboratories established by the Building Materials Listing Program of the Fire Engineering Division of the Office of the State Fire Marshal of the Department of Forestry and Fire Protection.

(b) "Dwelling unit intended for human occupancy" means a single-family dwelling, factory-built home as defined in Section 19971, duplex, lodging house, dormitory, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit in a multiple-unit dwelling unit building or buildings. "Dwelling unit intended for human occupancy" does not mean a property owned or leased by the state, the Regents of the University of California, or a local governmental agency.

(c) "Fossil fuel" means coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products, which emit carbon monoxide as a byproduct of combustion.

Added Stats 2010 ch 19 § 3 (SB 183).

§ 13263. Certification and decertification process for carbon monoxide devices; Approval required for marketing and sale

(a) (1) The State Fire Marshal shall develop a certification and decertification process to approve and list carbon monoxide devices and to disapprove and delist previously approved devices, if necessary. The certification and decertification process shall include consideration of effectiveness and reliability of the devices, including, but not limited to, their propensity to record false alarms. The certification and decertification process shall include a review of the manufacturer's instructions and shall ensure their consistency with building standards applicable to new construction for the relevant type of occupancy with respect to number and placement.

(2) The State Fire Marshal shall charge an appropriate fee to the manufacturer of a carbon monoxide device to cover his or her costs associated with the approval and listing of carbon monoxide devices.

(b) A person shall not market, distribute, offer for sale, or sell any carbon monoxide device in this state unless the device and the instructions have been approved and listed by the State Fire Marshal.

Added Stats 2010 ch 19 § 3 (SB 183).

Division 13 HOUSING

Part 2.5 STATE BUILDING STANDARDS

Chapter 1 GENERAL PROVISIONS AND DEFINITIONS

Article 1 Title

§ 18901. Citation of part; California Building Standards Commission

(a) This part shall be known and may be cited as the California Building Standards Law.

(b) The California Building Standards Commission shall continue within the ~~State and Consumer Services Agency~~ Department of General Services.

Added Stats 1979 ch 1152 § 163. Amended Stats 1991 ch 865 § 18 (AB 47); Stats 1997 ch 580 § 5 (SB 320). See this section as modified in Governor's Reorganization Plan No. 2 § 281 of 2012. Amended Stats 2013 ch 352 § 343 (AB 1317), effective September 26, 2013, operative July 1, 2013.

§ 18902. References to State Building Standards Code

All references to the State Building Standards Code, Title 24 of the California Code of Regulations shall mean the California Building Standards Code.

Added Stats 1988 ch 1194 § 1.7, operative January 1, 1989. Amended Stats 1992 ch 897 § 1 (AB 3515); Stats 2010 ch 610 § 2.1 (AB 2762).

Article 2 Definitions

§ 18905. Construction of part

Unless the context otherwise requires, the definitions contained in this article shall govern the construction of this part.

Added Stats 1979 ch 1152 § 163.

§ 18905.5. "Adopting agency"

"Adopting agency" means a state agency responsible for the adoption of building standards.

Added Stats 1979 ch 1152 § 163. Amended Stats 1988 ch 1194 § 2, operative January 1, 1989; Stats 1992 ch 897 § 2 (AB 3515).

§ 18906. "Adoption" or "adopt"

"Adoption" or "adopt" means, with respect to the procedure for promulgation of a building standard, the final act of a state agency that has the legislative authority and responsibility to take proposed building standards to public hearing.

Added Stats 1979 ch 1152 § 163. Amended Stats 1982 ch 507 § 2, effective July 13, 1982; Stats 1987 ch 1053 § 1; Stats 1988 ch 1194 § 3, operative January 1, 1989; Stats 1992 ch 897 § 3 (AB 3515).

§ 18907. "Approval"

"Approval" means, with respect to the procedure for promulgation of a building standard, the action of approval by the California Building Standards Commission. Until there is approval of the standard by the commission, it shall be a proposed building standard or regulation.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 2; Stats 1988 ch 1194 § 4, operative January 1, 1989; Stats 1992 ch 897 § 4 (AB 3515).

§ 18908. "Building"

(a) "Building" means any structure used for support or shelter of any use or occupancy. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner, except any mobilehome as defined in Section 18008, manufactured home, as defined in Section 18007, special purpose commercial coach, as defined in Section 18012.5, and recreational vehicle, as defined in Section 18010.

(b) "Building" includes a structure wherein things may be grown, made, produced, kept, handled, stored, or disposed of.

(c) All appendages, accessories, apparatus, appliances, and equipment installed as a part of building or structure shall be deemed to be a part thereof.

(d) "Building" does not include machinery, equipment, or appliances installed for manufacture or process purposes only, any construction installations which are not a part of a building, or any tunnel, mine shaft, highway, or bridge.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 3.

§ 18909. "Building standard"

(a) "Building standard" means any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, that specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.

(b) Except as provided in subdivision (d), "building standard" includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.

(c) "Building standard" includes a regulation or rule relating to the implementation or enforcement of a building standard not otherwise governed by statute, but does not include the adoption of procedural ordinances by a city or other public agency relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

(d) "Building standard" does not include any safety regulations that any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating, including, but not limited to, warehousing and food processing operations, but not including safety regulations relating to permanent appendages, accessories, apparatus, appliances, and equipment attached to the building as a part thereof, as determined by the commission.

(e) "Building standard" does not include temporary scaffoldings and similar temporary safety devices and procedures that are used in the erection, demolition, moving, or alteration of buildings.

(f) "Building standard" does not include any regulation relating to the internal management of a state agency.

(g) "Building standard" does not include any regulation, rule, order, or standard that pertains to mobilehomes, manufactured homes, commercial coaches, special purpose commercial coaches, or recreational vehicles.

(h) "Building standard" does not include any regulation, rule, or order or standard that pertains to a mobilehome park, as defined by Section 18214, or special occupancy park, as defined by Section 18862.43, except that "building standard" includes the construction of permanent buildings and plumbing, electrical, and fuel gas equipment and installations within permanent buildings in a mobilehome park or special occupancy park. For purposes of this subdivision, "permanent building" means any permanent structure constructed in the mobilehome park or special occupancy park that is a permanent facility under the control and ownership of the park operator.

(i) "Building standard" does not include any regulation, rule, order, or standard that pertains to mausoleums regulated under Part 5 (commencing with Section 9501) of Division 8.

(j) "Building standard" does not include any regulation adopted by the California Integrated Waste Management Board, the Department of Toxic Substances Control, the Occupational Safety and Health Standards Board, or the State Water Resources Control Board concerning the discharge of waste to land or the treatment, transfer, storage, resource recovery, disposal, or recycling of the waste.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 817 § 1; Stats 1984 ch 458 § 1, effective July 17, 1984; Stats 1987 ch 1053 § 4; Stats 1988 ch 1632 § 1; Stats 1989 ch 952 § 1; Stats 1992 ch 897 § 5 (AB 3515); Stats 1993 ch 663 § 2 (AB 54); Stats 2002 ch 1124 § 32 (AB 3000), effective September 30, 2002; Stats 2006 ch 890 § 9 (SB 286), effective January 1, 2007.

§ 18910. "Code"

"Code" means the California Building Standards Code, including the triennial editions and supplements.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 5; Stats 1988 ch 1194 § 5, operative January 1, 1989; Stats 1992 ch 897 § 6 (AB 3515).

§ 18911. "Codification" or "codify"

"Codification" or "codify" means to arrange building standards in the publication format of the code as determined by the commission.

Added Stats 1979 ch 1152 § 163. Amended Stats 1979 ch 1152 § 234, operative July 1, 1980; Stats 1981 ch 865 § 38, ch 1003 § 1; Stats 1987 ch 1053 § 6; Stats 1988 ch 1194 § 6, operative January 1, 1989; Stats 1992 ch 897 § 7 (AB 3515).

§ 18912. "Commission"

"Commission" means the California Building Standards Commission.

Added Stats 1979 ch 1152 § 163. Amended Stats 1992 ch 897 § 8 (AB 3515).

§ 18913. "Emergency standard"

"Emergency standard" means a building standard or an order of repeal of a building standard filed for publication in the code by the commission pursuant to Section 11346.1 of the Government Code.

Added Stats 1979 ch 1152 § 163. Amended Stats 1979 ch 1152 § 235, operative July 1, 1980; Stats 1981 ch 817 § 2; Stats 1984 ch 144 § 153; Stats 1987 ch 1053 § 7; Stats 1988 ch 1194 § 7, operative January 1, 1989; Stats 1992 ch 897 § 9 (AB 3515); Stats 2002 ch 1124 § 33 (AB 3000), effective September 30, 2002.

§ 18914. "Executive director"

"Executive director" means the Executive Director of the California Building Standards Commission.

Added Stats 1979 ch 1152 § 163. Amended Stats 1984 ch 677 § 2; Stats 1992 ch 897 § 10 (AB 3515).

§ 18915. "Local agency"

"Local agency" means a city, county, and city and county, whether general law or chartered, district agency, authority, board, bureau, department, commission, or other governmental entity of less than statewide jurisdiction. Local agency includes any entity of regional jurisdiction. Local agency does not include an agency of the federal government.

Added Stats 1979 ch 1152 § 163.

§ 18916. "Model code"

"Model code" means any building code drafted by private organizations or otherwise, and shall include, but not be limited to, the latest edition of the following:

(a) The Uniform Building Code of the International Conference of Building Officials.

(b) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

(c) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(d) The National Electrical Code of the National Fire Protection Association.

(e) The Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc.

(f) Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 8; Stats 1989 ch 952 § 2, ch 1360 § 94 (ch 952 prevails); Stats 1991 ch 173 § 2 (AB 204).

§ 18917. "Occupancy"

"Occupancy" means the purpose for which a building, structure, or other improvement to property, or a part thereof, is used or intended to be used.

Added Stats 1979 ch 1152 § 163.

§ 18917.2. "Propose"

"Propose" refers, with respect to the procedure for promulgation of a building standard, to the state agency that has the legislative authority and responsibility to write proposed building standards.

Added Stats 1992 ch 897 § 10.5 (AB 3515).

§ 18917.3. "Publication" or "publish"

"Publication" or "publish" means to print and make available to the public the California Building Standards Code or administrative regulations that apply directly to the implementation or enforcement of building standards.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 9; Stats 1988 ch 1194 § 8, operative January 1, 1989.

§ 18917.5. "Secretary"

"Secretary" means the Secretary of ~~the State and Consumer Services Agency~~ Government Operations.

Added Stats 1979 ch 1152 § 163. See this section as modified in Governor's Reorganization Plan No. 2 § 282 of 2012. Amended Stats 2013 ch 352 § 344 (AB 1317), effective September 26, 2013, operative July 1, 2013.

§ 18918. "State agency"

"State agency" means a state agency as defined in Section 11000 of the Government Code.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 10.

§ 18919. "Regulation"

"Regulation" means any rule, regulation, ordinance, or order promulgated by a state or local agency, including rules, regulations, or orders relating to occupancy or the use of land. "Regulation" includes building standards.

Added Stats 1979 ch 1152 § 163.

Chapter 2 ORGANIZATION

Article 1 The California Building Standards Commission

§ 18920. California Building Standards Commission

There is continued in existence in the ~~State and Consumer Services~~ Government Operations Agency a California Building Standards Commission consisting of the Secretary of ~~State and Consumer Services~~ Government Operations and 10 members appointed by the Governor subject to confirmation by the Senate.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 10.5; Stats 1992 ch 897 § 12 (AB 3515). See this section as modified in Governor's Reorganization Plan No. 2 § 283 of 2012. Amended Stats 2013 ch 352 § 345 (AB 1317), effective September 26, 2013, operative July 1, 2013.

§ 18921. Appointed members

(a) The appointed members of the commission shall be selected from, and represent the public, design professions, the building and construction industry, local government building officials, fire and safety officials, and labor in accordance with the following:

(b) Four members shall be appointed from among the professions and industries concerned with building construction as follows:

(1) An architect.

(2) A mechanical or electrical engineer or fire protection engineer.

(3) A structural engineer.

(4) A licensed contractor.

(c) Three members shall be appointed from among the general public at least one of whom shall be a person with physical disabilities.

(d) One member shall be appointed from organized labor in the building trades.

(e) One member shall be appointed who is a local building official.

(f) One member shall be appointed who is a local fire official.

(g) At least one member of the commission shall be experienced and knowledgeable in barrier free architecture and aware of, and sensitive to, the requirements necessary to ensure public buildings are accessible to, and usable by, persons with physical disabilities.

(h) At least one member of the commission shall be experienced and knowledgeable in building energy efficiency standards.

(i) At least one member of the commission shall be experienced and knowledgeable in sustainable building, design, construction, and operation.

(j) As used in this section, “persons with physical disabilities” means persons who have permanent mobility impairments which affect ambulation due to cerebral palsy, poliomyelitis, spinal cord injury, amputation, and other conditions or diseases which reduce mobility or require the use of crutches, canes, or wheelchairs.

Added Stats 1979 ch 1152 § 163. Amended Stats 1980 ch 1064 § 1; Stats 1987 ch 1053 § 11; Stats 1988 ch 1194 § 8.5, operative January 1, 1989; Stats 1991 ch 865 § 19 (AB 47); Stats 2010 ch 610 § 2.2 (AB 2762), effective January 1, 2011; Stats 2011 ch 399 § 1 (AB 930), effective January 1, 2012.

§ 18922. Chair and vice chair

The Secretary of ~~State and Consumer Services~~ Government Operations or the secretary’s representative shall serve as the chair of the commission. The commission shall elect a vice chair annually from among its members.

Added Stats 1979 ch 1152 § 163. Amended Stats 1997 ch 580 § 6 (SB 320). See this section as modified in Governor’s Reorganization Plan No. 2 § 284 of 2012. Amended Stats 2013 ch 352 § 346 (AB 1317), effective September 26, 2013, operative July 1, 2013.

§ 18923. Terms of office

(a) The term of office of members of the commission shall be four years and they shall hold office until the appointment and qualification of their successors, not to exceed 180 days after the term is expired.

(b) The terms of members of the commission shall be staggered based on the following cycle:

(1) The terms of two members shall expire on January 1, 1981.

(2) The terms of three members shall expire on January 1, 1982.

(3) The terms of two members shall expire on January 1, 1983.

(4) The terms of three members shall expire on January 1, 1984.

(c) Prior members of the commission may be reappointed.

(d) In the event of a vacancy prior to the expiration of a term, an appointment shall be made to fill the balance of the unexpired term.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 12; Stats 1997 ch 580 § 7 (SB 320).

§ 18924. Compensation and expenses

The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid their actual necessary travel expenses.

Added Stats 1979 ch 1152 § 163.

Article 2 The Executive Director Of The State Building Standards Commission

§ 18925. Executive director

The commission shall appoint an Executive Director of the California Building Standards Commission, who shall hold office at the pleasure of the commission. The executive director shall make public the processes of the commission. The executive director shall appoint, in accordance with civil service and other provisions of law, officers and employees necessary to carry out the intent and purposes of this part.

Added Stats 1979 ch 1152 § 163. Amended Stats 1984 ch 677 § 4; Stats 1992 ch 897 § 13 (AB 3515).

Article 3 The Coordinating Council And Advisory Panels

§ 18926. Coordinating council

(a) There is, in the office of the executive director, a coordinating council. The membership of the council shall consist of the executive director, who shall serve as chairperson, and representatives appointed by the State Director of Public Health, the Director of the Office of Statewide Health Planning and Development, the Director of Housing and Community Development, the State Fire Marshal, the Executive Director of the State Energy Resources Conservation and Development Commission, and the Director of General Services.

(b) Subject to the pleasure of the commission:

(1) The council or any member of the council shall, when called and directed in writing by the executive director, work with and assist an agency proposing building standards or adopting building standards, or both, in the development of proposals for building standards.

(2) When a state agency contemplates the adoption of any building standard, it shall, prior to commencing any action to prepare a draft of the proposal, advise the executive director, in writing, of that intent and request the executive director to call the council, or any member of the council, as appropriate, for assistance.

(3) Whenever the commission returns for amendment, or rejects any proposed building standard, and one of the reasons for that action is that approval of the proposal would create a conflict with existing building standards of other adopting agencies, the executive director shall call the council or any member of the council, as appropriate, to assist in the elimination of the conflict.

(4) The council shall draft proposed building standards which the commission is authorized to adopt pursuant to Section 18933 for the consideration of the commission and approval, utilizing the criteria of Section 18930.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 817 § 3; Stats 1984 ch 677 § 5; Stats 1988 ch 1194 § 9, operative January 1, 1989; Stats 1992 ch 897 § 14 (AB 3515); Stats 2010 ch 610 § 2.3 (AB 2762).

§ 18927. Advisory panels

The commission may appoint from the design professions, the building and construction industry, the affected general public, and interested governmental agencies, appropriate advisory panels to advise the commission and its staff with respect to building standards. The persons appointed to the panels shall be specifically knowledgeable and qualified in the type of work embraced by the building standards in question. These persons shall serve without compensation, but may receive actual necessary travel expenses.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 13; Stats 1988 ch 1194 § 10, operative January 1, 1989; Stats 1992 ch 897 § 15 (AB 3515).

§ 18928. Adoption of model code

(a) Each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

(b) Each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent editions of the model codes, as amended or proposed to be amended by the adopting agency, within one year after the date of publication of the model codes, national standards, or specifications. The “date of publication of a model code, national standard, or specification” is either of the following:

(1) The date of publication printed in the model code, national standard, or specification. If only a month and year are shown by the model code, national standard, or specification adopting agency or body, the date of publication shall be considered to be the last day of the month shown.

(2) The date determined by the commission, if no publication date is shown in the model code, national standard, or specification. The commission shall notify all adopting agencies of its determination within 15 days.

(c) If the adopting agencies fail to comply with subdivision (b), the commission shall convene a committee to recommend to the commission the adoption, amendment, or repeal, on the agencies’ behalf, of the most recent editions of the model codes, national standards, or specifications and necessary state standards.

Added Stats 1985 ch 632 § 1. Amended Stats 1987 ch 1053 § 14; Stats 1988 ch 1194 § 10.5, operative January 1, 1989; Stats 1997 ch 645 § 13 (AB 1071).

§ 18928.1. Incorporation of text of model codes, national specifications, or published standards

Building standards adopted or approved by the commission shall incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom. The commission may elect to adopt or approve standards which incorporate, in whole or in part, the text of these publications, with changes therein, or deletions therefrom, directly incorporated into the text of the California Building Standards Code, but no textual material contained in any of the model codes, as enumerated in Section 18916, may be included in the California Building Standards Code by means other than incorporation by reference, unless the commission and the governing body of the organization that publishes the model codes first reach a written agreement concerning the terms and conditions of the publication, including, but not limited to, whether the publication will be by the commission or the model code organization, or both. The model code governing body

may not withhold any publication agreement on the basis of the substantive provisions contained in the California Building Standards Code.

Added Stats 1992 ch 897 § 16 (AB 3515).

§ 18929. Approval and adoption of regulations

(a) Except as otherwise provided in subdivision (b), administrative regulations adopted by state agencies that apply directly to the implementation or enforcement of building standards shall be forwarded to the California Building Standards Commission for approval. Each regulation shall be adopted in compliance with the procedures specified in Section 18930 and in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. These administrative regulations shall be published in the administrative part of the California Building Standards Code.

(b) This section shall not apply to any regulations adopted by the Department of Housing and Community Development that apply directly to the implementation or enforcement of building standards.

Added Stats 1988 ch 1194 § 11, operative January 1, 1989. Amended Stats 1989 ch 952 § 3, ch 1144 § 6, effective September 29, 1989; Stats 1991 ch 865 § 20 (AB 47); Stats 1992 ch 897 § 16.5 (AB 3515).

§ 18929.1. Annual code adoption cycle

(a) The commission shall receive proposed building standards from state agencies for consideration in an 18-month code adoption cycle. The commission shall develop regulations setting forth the procedures for the 18-month adoption cycle. The regulations shall ensure all of the following:

(1) Adequate public participation in the development of building standards prior to submittal to the commission for adoption and approval.

(2) Adequate notice, in written form, to the public of the compiled building standards and their justification.

(3) Adequate technical review of proposed building standards and accompanying justification by advisory bodies appointed by the commission.

(4) Adequate time for review of recommendations by advisory bodies prior to action by the commission.

(5) The procedures shall meet the intent of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code) and Section 18930.

(b) Where this section is in conflict with other provisions of this part, the intent of this section shall prevail.

Added Stats 1992 ch 897 § 17 (AB 3515). Amended Stats 2010 ch 145 § 1 (AB 1693).

Chapter 3 POWERS OF THE COMMISSION

§ 18930. Approval of building standards adopted by state agencies

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

(2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.

(3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.

(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

(5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.

(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

(A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.

(B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.

(8) The format of the proposed building standards is consistent with that adopted by the commission.

(9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

(b) In reviewing building standards submitted for its approval, the commission shall consider only the record of the proceedings of the adopting agency, except as provided in subdivision (b) of Section 11359 of the Government Code.

(c) Where the commission is the adopting agency, it shall consider the record submitted to, and considered by, the state agency that proposes the building standards and the record of public comment that results from the commission's adoption of proposed regulations.

(d)(1) The commission shall give great weight to the determinations and analysis of the adopting agency or state agency that proposes the building standards on each of the criteria for approval set forth in subdivision (a). Any factual determinations of the adopting agency or state agency that proposes the building standards shall be considered conclusive by the commission unless the commission specifically finds, and sets forth its reasoning in writing, that the factual determination is arbitrary and capricious or substantially unsupported by the evidence considered by the adopting agency or state agency that proposes the building standards.

(2) Whenever the commission makes a finding, as described in this subdivision, it shall return the standard to the adopting agency or state agency that proposes the building standards for a reexamination of its original determination of the disputed fact.

(e) Whenever a building standard is principally intended to protect the public health and safety, its adoption shall not be a "factual determination" for purposes of subdivision (d). Whenever a building standard is principally intended to conserve energy or other natural resources, the commission shall consider or review the cost to the public or benefit to be derived as a "factual determination" pursuant to subdivision (d). Whenever a building standard promotes fire and panic safety, each agency shall, unless adopted by the State Fire Marshal, submit the building standard to the State Fire Marshal for prior approval.

(f) Whenever the commission finds, pursuant to paragraph (2) of subdivision (a), that a building standard is adopted by an adopting agency pursuant to statutes requiring adoption of the building standard, the commission shall not consider or review whether the adoption is in the public interest pursuant to paragraph (3) of subdivision (a).

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 1177 § 8; Stats 1985 ch 209 § 1, ch 632 § 2; Stats 1986 ch 200 § 1; Stats 1987 ch 1053 § 15; Stats 1988 ch 1194 § 12, operative January 1, 1989; Stats 1991 ch 865 § 21 (AB 47); Stats 1992 ch 897 § 17.5 (AB 3515); Stats 1995 ch 938 § 65.4 (SB 523), operative January 1, 1996; Stats 2013 ch 585 § 1 (AB 341), effective January 1, 2014.

§ 18930.5. Green building standards

(a) If no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

(b) The commission and other state agencies that propose green building standards shall allow for input by other state agencies that have expertise in green building subject areas. The process by which these other state agencies shall submit suggested changes for consideration shall be adopted as administrative regulations in Part 1 of Title 24 of the California Code of Regulations. These administrative regulations shall include, but not be limited to, all of the following:

(1) The timing for receipt of suggested changes.

(2) Whether the suggested changes should be considered for adoption as mandatory or voluntary green building standards.

(3) The concurrent submission of appropriate technical analysis that could be used by the agency to support the proposal under the requirements of subdivision (a) of Section 18930, including the rationale supporting the recommendation that the item be considered for adoption as mandatory or voluntary green building standards.

(4) The concurrent submission of fiscal analysis necessary for submission to the Department of Finance and for use in complying with the cost of compliance provisions of Sections 11346.2 and 11346.5 of the Government Code.

(5) The manner in which the suggestions will be made available to the public.

(c) If a state agency that proposes green building standards offers advice to the commission via an advisory panel appointed pursuant to Section 18927, as part of its presentation it shall, to the extent feasible, indicate those voluntary green building measures that may be considered for possible adoption as mandatory within the next two subsequent adoption cycles.

Added Stats 2008 ch 719 § 2 (SB 1473), effective January 1, 2009. Amended Stats 2013 ch 585 § 2 (AB 341), effective January 1, 2014.

§ 18931. Duties of commission

The commission shall perform the following:

(a) In accordance with Section 18930 and within 120 days from the date of receipt of adopted standards, review the standards of adopting agencies and approve, return for amendment with recommended changes, or reject building standards submitted to the commission for its approval. When building standards are returned for amendment or rejected, the commission shall inform the adopting agency or state agency that proposes the building standards of the specific reasons for the recommended changes or rejection, citing the criteria required under Section 18930. When standards are not acted upon by the commission within 120 days, the standards shall be approved, including codification and publication in the California Building Standards Code, without further review and without return or rejection by the commission.

(b) Codify, including publish, all building standards of adopting agencies or state agencies that propose the building standards and statutes defining building standards into one California Building Standards Code.

(c) Resolve conflict, duplication, and overlap in building standards in the code.

(d) Ensure consistency in nomenclature and format in the code.

(e) In accordance with Section 18945, hear appeals resulting from the administration of state building standards.

(f) Adopt any procedural regulations which it deems necessary to administer this part.

Added Stats 1979 ch 1152 § 163. Amended Stats 1988 ch 1194 § 13, operative January 1, 1989; Stats 1992 ch 897 § 18 (AB 3515); Stats 1994 ch 249 § 1 (AB 1780); Stats 2010 ch 610 § 2.4 (AB 2762).

§ 18931.5. Cost of review and publication of building standards

(a) Each state agency that adopts or proposes building standards shall pay annually to the California Building Standards Commission a proportionate share of the cost of the review and publication of building standards which are published or proposed to be published in the California Building Standards Code.

(b) The commission shall determine the proportional cost to be paid for review of existing building standards and the amount to be paid for review of building standards, adopted or proposed by a state agency, that have been submitted for publication in the California Building Standards Code.

Added Stats 1981 ch 1082 § 1. Amended Stats 1988 ch 1194 § 14, operative January 1, 1989; Stats 1992 ch 897 § 19 (AB 3515).

§ 18931.6. Collection of fees from applicant for building permit; Retention; Reduction

(a) Each city, county, or city and county shall collect a fee from any applicant for a building permit, assessed at the rate of four dollars ($4) per one hundred thousand dollars ($100,000) in valuation, as determined by the local building official, with appropriate fractions thereof, but not less than one dollar ($1).

(b) The city, county, or city and county may retain not more than 10 percent of the fees collected under this section for related administrative costs and for code enforcement education, including, but not limited to, certifications in the voluntary construction inspector certification program, and shall transmit the remainder to the commission for deposit in the Building Standards Administration Special Revolving Fund established under Section 19831.7.

(c) The commission may reduce the rate of the fee upon determining that a lesser amount is sufficient to maintain the programs established under this part.

Added Stats 2008 ch 719 § 3 (SB 1473), effective January 1, 2009.

§ 18931.7. Building Standards Administration Special Revolving Fund

(a) All funds received by the commission under this part shall be deposited in the Building Standards Administration Special Revolving Fund, which is hereby established in the State Treasury.

(b) Moneys deposited in the fund shall be available, upon appropriation, to the commission, the department, and the Office of the State Fire Marshal for expenditure in carrying out the provisions of this part, and the provisions of Part 1.5 (commencing with Section 17910) that relate to building standards, as defined in Section 18909, with emphasis placed on the development, adoption, publication, and updating~~,~~ of green building standards, the updating of verification guidelines for Tier 1 or Tier 2 green building standards and educational efforts, including, but not limited to, training for local building officials associated with green building standards.

Added Stats 2008 ch 719 § 4 (SB 1473), effective January 1, 2009. Amended Stats 2009 ch 140 § 108 (AB 1164), effective January 1, 2010; Stats 2013 ch 585 § 3 (AB 341), effective January 1, 2014.

§ 18931.8. Powers and authority of commission

The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, both of the following:

(a) To accept any federal funds granted by an act of Congress or by an Executive order for any purpose of this chapter.

(b) To accept any gift, donation, grant, bequest, or other funding for any purpose of this chapter.

Added Stats 2010 ch 610 § 2.5 (AB 2762).

§ 18932. Indication of agency having administrative responsibility; Index and reference guide; Format

(a) The code shall indicate the agency having responsibility vested by law for the administration of each building standard and the occupancy or occupancies affected by each building standard.

(b) The code shall include an index and reference guide.

(c) The commission shall establish the format for the code to conform it as nearly as it deems practicable with the model codes.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 16; Stats 1988 ch 1194 § 15, operative January 1, 1989; Stats 1992 ch 897 § 20 (AB 3515).

§ 18933. Failure of agency to adopt amendments or repealers within reasonable time

(a) The commission may give affected state agencies reasonable time, as specified by the commission, to adopt amendments to building standards submitted for approval. If the agencies do not do so within the reasonable time as specified, the commission shall convene a committee composed of a representative from each of the agencies affected and any other qualified persons who are selected by the commission. This committee shall prepare a recommendation for commission action upon the building standards. Upon the recommendation, or if the committee does not prepare a recommendation and deliver it to the commission within 30 days after being appointed, the commission may rewrite, edit, amend, or adopt, and approve the building standards consistent with the intent of this part and in accordance with the Administrative Procedure Act and the criteria for approval provided in Section 18930. It shall not, however, be required that hearings or other administrative procedure be duplicated on unchanged portions of building standards previously adopted and approved by the commission.

(b)(1) Pursuant to Section 18943, the commission, after publication of building standards pursuant to Section 18941 in the triennial edition of the code, shall recommend to affected state agencies the repeal of building standards of those state agencies which were adopted, or are, in conflict with other published standards in the code. If the state agencies do not repeal the building standards within a reasonable time as specified by the commission, the commission shall convene a committee composed of a representative of each of the agencies affected and other qualified persons selected by the commission to prepare a recommendation for commission action on the building standards.

(2) Upon the recommendation, or if the committee does not prepare a recommendation and deliver it to the commission within 30 days after being appointed, the commission may repeal the building standards, in accordance with the Administrative Procedure Act. This subdivision shall not supersede Section 18943, but, instead, provides the procedure for effecting that section.

Added Stats 1979 ch 1152 § 163. Amended Stats 1988 ch 1194 § 16, operative January 1, 1989; Stats 1992 ch 897 § 21 (AB 3515).

§ 18934. Regulations ensuring public participation

State agencies proposing to adopt building standards shall adopt, and the commission shall approve, regulations establishing procedures to ensure public participation in the development of building standards and regulations.

Added Stats 1979 ch 1152 § 163. Amended Stats 1992 ch 897 § 22 (AB 3515).

§ 18934.5. Adoption, codification, and publication of building standards by commission

Where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings, including buildings constructed by the Trustees of the California State University and, to the extent permitted by law, to buildings designed and constructed by the Regents of the University of California. Building standards for state buildings shall comply with the criteria in subdivision (a) of Section 18930.

Added Stats 1981 ch 1082 § 2. Amended Stats 1987 ch 1053 § 17; Stats 1988 ch 1194 § 17, operative January 1, 1989; Stats 1992 ch 897 § 23 (AB 3515).

§ 18934.6. [Section repealed 2007.]

Added Stats 1991 ch 173 § 3 (AB 204). Repealed Stats 2006 ch 890 § 10 (SB 286), effective January 1, 2007. The repealed section related to adoption, codification, and publication of building standards in Uniform Code for Building Conservation of International Conference of Building Officials.

§ 18934.7. Adoption, codification, and publication of building standards in Uniform Code for Building Conservation

The commission shall adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in Appendix Chapter 1 of the International Existing Building Code of the International Code Council to provide minimum standards for buildings specified in that appendix, except for buildings subject to building standards adopted pursuant to Part 1.5 (commencing with Section 17910).

Added Stats 1991 ch 865 § 22 (AB 47); Stats 2010 ch 610 § 2.6 (AB 2762).

§ 18934.8. Emergency amendments

(a) Pursuant to subdivision (b), the commission may adopt amendments to the California Building Standards Code provided that they are substantially the same as model code amendments which were adopted on an emergency basis by the code publishers, if the sections being amended are not under the authority of a state agency.

(b) The commission may consider adoption of emergency amendments made to the model codes in an expedited rulemaking process outside the 18-month code adoption cycle set forth in Section 18929.1. If a model code organization adopts emergency amendments, the commission may adopt those amendments 120 days after the organization's adoption of those amendments. This rulemaking process shall be completed within 180 days from the date the amendments were adopted by the model code organization. The commission shall ensure that the rulemaking process includes all of the following:

(1) Adequate public participation in the development of building standards prior to submittal to the commission for adoption and approval.

(2) Adequate written notice to the public of the compiled building standards and the written justification therefor.

(3) Adequate technical review of proposed building standards and accompanying justification by advisory bodies appointed by the commission.

(4) Adequate time for review of recommendations by advisory bodies prior to action by the commission.

(c) Amendments to the California Building Standards Code adopted pursuant to this section shall take effect 60 days from the date on which they are adopted by the commission.

(d) Nothing in this section shall be construed to permit amendments to the California Building Standards Code that decrease the level of disabled access provided.

Added Stats 1996 ch 384 § 1 (AB 3372); Stats 2010 ch 145 § 2 (AB 1693).

Chapter 4 THE CALIFORNIA BUILDING STANDARDS CODE

§ 18935. Notice and hearings

(a) Notice of proposed building standards shall be given and hearings shall be held by the adopting agencies, as required by the Administrative Procedure Act, prior to the adoption of the building standards and submission to the commission for approval. The notice of proposed building standards and the initial statement of reasons for the proposed building standards shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The adopting agency or state agency that proposes the building standards shall submit the notice and initial statement of reasons for proposed building standards to the California Building Standards Commission, which shall review them for compliance with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. If the commission determines that the adopting agency or state agency that proposes the building standards has complied with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the commission shall approve the notice and initial statement of reasons for proposed building standards, and submit them to the Office of Administrative Law for the sole purpose of inclusion in the California Regulatory Notice Register. The Office of Administrative Law shall publish only those notices of proposed building standards which have been approved by, and submitted to, the office by the California Building Standards Commission.

(b) In order to ensure an absence of conflict between hearings and a maximum opportunity for interested parties to be heard, no hearings by adopting agencies shall be conducted unless the time and place thereof has been approved in writing by the commission prior to public notices of the hearing being given by the adopting agencies.

(c) If, after building standards are submitted to the commission for approval, the commission requires changes therein as a condition for approval, and the changes are made, no additional hearing by the affected state agency shall be required in connection with making the changes when the commission determines the changes are nonsubstantial, solely grammatical in nature, or are sufficiently related to the text submitted to the commission for approval that the public was adequately placed on notice that the change could result from the originally proposed building standards.

Added Stats 1979 ch 1152 § 163. Amended Stats 1983 ch 492 § 1; Stats 1984 ch 677 § 6; Stats 1988 ch 1194 § 18, operative January 1, 1989; Stats 1992 ch 897 § 25 (AB 3515).

§ 18936. Notices to affected groups

The commission shall mail notices of meetings with respect to its proposed action on any building standards to any design profession organizations, chambers of commerce, consumer groups, building and construction industry organizations, governmental agencies, and other parties and organizations that have submitted a written request therefor at least 15 days prior to any meeting thereon, provided that the failure to do so shall not invalidate any commission action.

Added Stats 1979 ch 1152 § 163. Amended Stats 1979 ch 1152 § 236, operative July 1, 1980; Stats 1987 ch 1053 § 18; Stats 1988 ch 1194 § 19, operative January 1, 1989; Stats 1992 ch 897 § 26 (AB 3515).

§ 18937. Approval of emergency standards

(a) Emergency standards shall be acted on by the commission within 30 days and only when the adopting agency or state agency that proposes the building standards has made the finding of emergency required by Sections 11346.1 and 11346.5 of the Government Code and the adopting agencies have adopted the emergency standard in compliance with Section 11346.1 of the Government Code, and the commission concurs with that finding. Both the concurrence and the approval of the emergency building standards require an affirmative vote of two–thirds of the members of the commission attending a meeting, or not less than six affirmative votes, whichever is greater.

(b) Emergency standards approved by the commission pursuant to subdivision (a) shall be filed by the commission pursuant to Section 11346.1 of the Government Code and shall be subject to that section.

Added Stats 1979 ch 1152 § 163. Amended Stats 1979 ch 1152 § 237, operative July 1, 1980; Stats 1981 ch 817 § 5; Stats 1987 ch 1053 § 19; Stats 1988 ch 1194 § 20, operative January 1, 1989; Stats 1992 ch 897 § 27 (AB 3515); Stats 2002 ch 1124 § 34 (AB 3000), effective September 30, 2002.

§ 18938. Application and effective dates of standards

(a) Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto, with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.

(b) The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association, and the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission or at a later date after publication established by the commission.

(c) Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of standards adopted pursuant to Section 25402 of the Public Resources Code and those regulations that implement or enforce building standards. Regulations that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards. An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal, pursuant to Section 11346.1 of the Government Code, of emergency standards defined in subdivision (a) of Section 18913 within the period specified by that section, shall also be given to the parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.

(e) This section shall not be applicable to the time limits set forth in Sections 17922 and 17958 for approval of uniform codes and for changes by local agencies in the California Building Standards Code.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 1003 § 3; Stats 1985 ch 209 § 2; Stats 1987 ch 1053 § 20; Stats 1988 ch 1194 § 21, operative January 1, 1989; Stats 1989 ch 952 § 4; Stats 1992 ch 897 § 28.5 (AB 3515); Stats 1994 ch 740 § 3 (SB 1953); Stats 1995 ch 543 § 5 (SB 1109), effective October 4, 1995; Stats 2002 ch 1124 § 35 (AB 3000), effective September 30, 2002.

§ 18938.3. Model codes designated to serve as basis for building standards code

With respect to the model codes that are designated in Sections 17922 and 18938 to serve as the basis for the California Building Standards Code but are no longer published, the building standards adopted and approved by the commission shall be those contained in the most recent editions of the model codes adopted or approved by the commission to serve as the basis for the 2007 triennial edition of the California Building Standards Code. Those model codes designated in Sections 17922 and 18938 that continue to be published and updated shall continue to serve as the basis for the California Building Standards Code. With respect to Section 17922, other model codes may be considered for use, proposal, approval, or adoption, or any combination thereof, provided they do not duplicate building standards, as proposed by the Department of Housing and Community Development and adopted by the commission, the subject matter of the model codes which serve as the basis for the 2007 triennial edition of the California Building Standards Code.

Added Stats 2008 ch 719 § 5 (SB 1473), effective January 1, 2009.

§ 18938.5. Standards applicable to building permits

(a) Only those building standards approved by the commission, and that are effective at the local level at the time an application for a building permit is submitted, shall apply to the plans and specifications for, and to the construction performed under, that building permit.

(b)(1) A local ordinance changing or modifying building standards for residential occupancies, which are published in the California Building Standards Code, shall apply only to an application for a building permit submitted after the effective date of the ordinance and to the plans and specifications for, and the construction performed under, that permit.

(2) Paragraph (1) shall not apply to any of the following:

(A) A city or county that has been subject to an emergency proclaimed pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(B) A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 180 days from the date of the permit, or the permittee has suspended or abandoned the work authorized by the permit at any time after the work is commenced for a period of 180 days.

(C) A permit that is subsequently deemed suspended or revoked because the building official has, in writing, suspended or revoked the permit due to its issuance in error, due to the provision of incorrect information, or due to a violation of any of the provisions of the California Building Standards Code.

(c) No model code made applicable to any additional occupancy shall apply to any project that has been submitted for a building permit prior to the effective date of that model code.

Added Stats 1985 ch 577 § 1, effective September 14, 1985. Amended Stats 1987 ch 1053 § 21; Stats 1992 ch 623 § 1 (AB 2963), ch 897 § 29.5 (AB 3515).

§ 18940. Incorporation of standards into code

Codification of building standards approved by the commission shall be incorporated into the code and shall not be incorporated into other individual titles of state agencies in the California Code of Regulations.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 1003 § 4; Stats 1987 ch 1053 § 22; Stats 1988 ch 1194 § 23, operative January 1, 1989; Stats 1992 ch 897 § 31 (AB 3515).

§ 18940.5. Proposed updates to Code shall reference green building standards

As part of the next triennial update of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2014, agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations shall, to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the California Code of Regulations. For purposes of compliance with this section, the republication of the provisions of Part 11 of Title 24 of the California Code of Regulations in other parts of Title 24 of the California Code of Regulations shall not be considered duplication in violation of paragraph (1) of subdivision (a) of Section 18930.

Added Stats 2013 ch 585 § 4 (AB 341), effective January 1, 2014.

§ 18941. Consistency of standards with state and nationally recognized standards

All building standards shall be administered and enforced and, whenever practicable, written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

Added Stats 1979 ch 1152 § 163. Amended Stats 1982 ch 507 § 2, effective July 13, 1982; Stats 1988 ch 1194 § 24, operative January 1, 1989; Stats 1992 ch 897 § 32 (AB 3515).

§ 18941.5. Effective date of standards; Local agency authority

(a)(1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.

Added Stats 1979 ch 1152 § 163. Amended Stats 1988 ch 1302 § 1; Stats 1989 ch 952 § 5; Stats 1991 ch 173 § 4 (AB 204), ch 865 § 23 (AB 47); Stats 1992 ch 896 § 1 (SB 1588), ch 897 § 33.5 (AB 3515); Stats 2009 ch 89 § 2 (AB 210), effective January 1, 2010.

§ 18941.6. Standards to strengthen potentially hazardous buildings

(a) Notwithstanding any other provision of this part, ordinances and programs adopted on or before January 1, 1993, that contain standards to strengthen potentially hazardous buildings pursuant to subdivision (b) of Section 8875.2 of the Government Code, shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions, as defined in subdivision (b), or based on an approved study pursuant to subdivision (c), or both. Ordinances and programs shall be updated in a timely manner to reflect changes in the model code, and more frequently if deemed necessary by local jurisdictions.

(b) For the purpose of subdivision (a), and notwithstanding the meaning of "local conditions" as used elsewhere in this part and Part 2.5 (commencing with Section 18901), the term "local conditions" shall be limited to those conditions that affect the implementation of seismic strengthening standards on the following only:

(1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)).

(2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.

(3) The preservation of affordable housing.

(c) Any ordinance or program adopted on or before January 1, 1993, may include exceptions for local conditions not defined in subdivision (b) if the jurisdiction has approved a study on or before January 1, 1993, describing the effects of the exceptions. The study shall include a seismic hazards assessment, seismic retrofit cost comparisons, and earthquake damage estimates for a major earthquake, including the differences in costs, deaths, and injuries between full compliance with Appendix Chapter 1 of the Uniform Code for Building Conservation and the ordinance or program. No study shall be required pursuant to this subdivision if the exceptions for local conditions not defined in subdivision (b) result in standards or requirements that are more stringent than those in Appendix Chapter 1 of the Uniform Code for Building Conservation.

(d) Ordinances and programs adopted pursuant to this section shall be conclusively presumed to comply with the requirements of Chapter 173 of the Statutes of 1991.

Added Stats 1992 ch 346 § 2 (AB 2358). Amended Stats 1993 ch 1294 § 2 (AB 1904), effective October 11, 1993; Stats 1994 ch 1219 § 2 (SB 1988).

§ 18941.7. Authority of city, county, or other local agency to adopt building standards more restrictive than state graywater building standards

Subject to Section 14877.3 of the Water Code, a city, county, or other local agency may adopt, after a public hearing and enactment of an ordinance or resolution, building standards that are more restrictive than the graywater building standards adopted by the Department of Housing and Community Development under Section 17922.12 and published in the California Building Standards Code.

Added Stats 2008 ch 172 § 2 (SB 1258), effective January 1, 2009; Stats 2010 ch 610 § 2.7 (AB 2762), effective January 1, 2011; Stats 2011 ch 577 § 1 (AB 849), effective January 1, 2012.

§ 18941.8. Adoption of building standards regarding construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies; Duties of commission; Review; Termination of departmental authority

(a) As used in this section, "graywater" has the same meaning as defined in Section 17922.12.

(b) Notwithstanding Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code, as a part of the next triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2011, the commission shall adopt building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies.

(c) In adopting building standards under this section, the commission shall do all of the following:

(1) Ensure protection of water quality in accordance with applicable provisions of state and federal water quality law.

(2) Consider the adopted building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in residential buildings.

(3) Consider existing research available on the environmental consequences to soil and groundwater of short-term and long-term graywater use for irrigation purposes.

(4) Consider graywater use impacts on human health.

(5) Consider the circumstances under which the use of graywater treatment systems in nonresidential occupancies is recommended.

(6) Consider the use and regulation of graywater in other jurisdictions.

(7) Use Chapter 16 of the Uniform Plumbing Code, adopted by the International Association of Plumbing and Mechanical Officials, as the starting point for the building standards and amend those standards as necessary.

(d) The commission may revise and update the standards adopted under this section at any time.

(e) The commission's adoption of building standards for graywater systems pursuant to this section shall terminate the authority of the Department of Water Resources to adopt and update standards for the installation, construction, and alteration of graywater systems in nonresidential buildings pursuant to Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code.

Added Stats 2010 ch 622 § 1 (SB 518).

§ 18941.9. Consideration of incorporating specification as strategy for Heat Island Effect

The commission shall, in the next triennial adoption process for the code adopted after the development of a standard specification by the Department of Transportation pursuant to subdivision (b) of Section 71400 of the Public Resources Code, consider incorporating that specification as an additional strategy for Heat Island Effect: Hardscape Alternatives in the California Green Building Standards Code (Section A5.106.11.1 of Appendix 5 of Part 11 (commencing with Section 101.1) of Title 24 of the California Code of Regulations).

Added Stats 2012 ch 667 § 2 (AB 296), effective January 1, 2013.

Former Section: Former H & S C 18941.9, relating to graduated manner of compliance for structure on former military base, was added Stats 1997 ch 645 § 15, operative until January 1, 2007, amended Stats 2001 ch 418 § 1, and repealed by its own terms January 1, 2007.

§ 18941.10. Adoption of building standards for installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development

(a)(1) The commission shall, commencing with the next triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2014, adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development.

(2) For purposes of paragraph (1), the Department of Housing and Community Development shall propose mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and submit the proposed mandatory building standards to the commission for consideration.

(b)(1) In proposing and adopting mandatory building standards under this section, the Department of Housing and Community Development and the commission shall use Sections A4.106.6, A4.106.6.1, A4.106.6.2, A5.106.5.1, and A5.106.5.3 of the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations) as the starting point for the mandatory building standards and amend those standards as necessary.

(2) In proposing and adopting mandatory building standards under this section, the Department of Housing and Community Development and the commission shall actively consult with interested parties, including, but not limited to, investor-owned utilities, municipal utilities, manufacturers, local building officials, commercial building and apartment owners, and the building industry.

Added Stats 2013 ch 410 § 1 (AB 1092), effective January 1, 2014.

§ 18942. Periodic publication of code and emergency standards

(a) The commission shall publish, or cause to be published, editions of the code in its entirety once in every three years. In the intervening period the commission shall publish, or cause to be published, supplements as necessary. For emergency building standards defined in subdivision (a) of Section 18913, an emergency building standards supplement shall be published whenever the commission determines it is necessary.

(b) The commission shall publish the text of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104, within the requirements for single-family residential occupancies contained in Part 2.5 of Title 24 of the California Code of Regulations, with the following note:

"NOTE: These regulations are subject to local government modification. You should verify the applicable local government requirements at the time of application for a building permit."

(c) The commission shall publish the text of Section 116064.2 within Part 2 of Title 24 of the California Code of Regulations.

(d) The commission may publish, stockpile, and sell at a reasonable price the code and materials incorporated therein by reference if it deems the latter is insufficiently available to the public, or unavailable at a reasonable price. Each state department concerned and each city, county, or city and county shall have an up-to-date copy of the code available for public inspection.

(e)(1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.

(2) This subdivision shall not apply to a city or county that contracts for the administration and enforcement of the provisions of this part with another local government agency that complies with this section.

Added Stats 1979 ch 1152 § 163. Amended Stats 1979 ch 1152 § 238, operative July 1, 1980; Stats 1981 ch 817 § 6; Stats 1983 ch 142 § 69; Stats 1987 ch 1053 § 23; Stats 1988 ch 1194 § 25, operative January 1, 1989; Stats 1989 ch 952 § 6; Stats 1992 ch 897 § 34 (AB 3515); Stats 1996 ch 925 § 3 (AB 3305); Stats 2002 ch 1124 § 36 (AB 3000), effective September 30, 2002; Stats 2009 ch 267 § 1 (AB 1020), effective January 1, 2010; Stats 2010 ch 145 § 3 (AB 1693); Stats 2012 ch 770 § 6 (AB 2697), effective January 1, 2013.

§ 18942.1. Building standards not approved by commission

(a) If a regulation or order of repeal is filed with the Office of Administrative Law, and if it appears to be a building standard, as defined by Section 18909, which has not been approved by the commission, the Office of Administrative Law shall consult with the commission or the commission's staff to determine the character and status of the filed regulation or order. Any building standard improperly transmitted to the Office of Administrative Law, as determined according to this section, shall not be then filed with the Secretary of State, but, instead, the Office of Administrative Law shall transmit the building standard to the commission and notify the adopting agency of this action.

(b) If an administrative regulation or order of repeal is filed with the commission and it does not directly apply to the implementation or enforcement of a building standard, it shall not be submitted to the commission for action, but, instead, the commission shall transmit the regulations to the Office of Administrative Law and notify the submitting agency of this action.

Added Stats 1981 ch 1003 § 5. Amended Stats 1988 ch 1194 § 26, operative January 1, 1989; Stats 1992 ch 897 § 35 (AB 3515).

§ 18943. Building standards in other titles of Code of Regulations

Building standards in individual titles of the California Code of Regulations other than the California Building Standards Code shall have no force or effect after January 1, 1985.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 817 § 7; Stats 1987 ch 1053 § 24; Stats 1988 ch 1194 § 28, operative January 1, 1989; Stats 1992 ch 897 § 37 (AB 3515); Stats 2002 ch 1124 § 37 (AB 3000), effective September 30, 2002; Stats 2003 ch 62 § 184 (SB 600).

§ 18944. References to code in agency regulations

State agencies shall adopt regulations for publication in the titles of the California Code of Regulations containing other regulations of the agency to identify, by reference, the appropriate sections of the California Building Standards Code containing those building standards for which that agency has enforcement responsibility.

Added Stats 1979 ch 1152 § 163. Amended Stats 1987 ch 1053 § 25; Stats 1988 ch 1194 § 29, operative January 1, 1989; Stats 1992 ch 897 § 38 (AB 3515).

§ 18944.5. Binding effect of code

The code shall be binding on the state and other public agencies, including federal agencies to the extent permitted by federal law, in the same manner as it binds private parties or entities.

Added Stats 1979 ch 1152 § 163.

§ 18944.7. Maintenance of regulations and standards under Historical Building Code

The alternative building regulations and building standards authorized under the State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13) which have been published in Part 8 of the California Building Standards Code shall be maintained as a separate and distinct part or portion of the California Building Standards Code pursuant to that title.

Added Stats 1982 ch 1417 § 1. Amended Stats 1988 ch 1194 § 30, operative January 1, 1989.

§ 18944.11. Development of building standards that would govern use of nonwater-supplied urinals

On or before July 1, 2009, any state agency that adopts or proposes building standards for plumbing systems shall consider developing building standards that would govern the use of nonwater-supplied urinals for submission to the California Building Standards Commission in accordance with Sections 17921.4 and 18930.

Added Stats 2007 ch 499 § 5 (AB 715), effective January 1, 2008.

§ 18944.15. (Repealed January 1, 2015) Compliance with building standards for disability access in 2013 California Building Standards Code an alternative method of compliance; Limitation

(a) Upon the publication date of the 2013 California Building Standards Code as adopted by the commission as part of the 2012 triennial code adoption cycle, for the purpose of any claim brought under Section 51, 54, 54.1, or 55 of the Civil Code based in whole, or in part, on an alleged violation of a construction-related accessibility standard, compliance with the building standards for disabled accessibility as provided in Chapter 11B of Part 2 of Title 24 of the 2013 California Building Standards Code shall be authorized as an alternative method of compliance.

(b) Subdivision (a) shall become inoperative when the provisions of the 2013 California Building Standards Code become effective pursuant to Section 18938.

(c) This section shall become operative on January 1, 2013.

(d) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

Added Stats 2012 ch 383 § 23 (SB 1186), effective September 19, 2012, operative January 1, 2013, repealed January 1, 2015.

Chapter 4.5 GUIDELINES FOR STRAW–BALE STRUCTURES

Article 1 General Provisions And Definitions

§ 18944.30. Legislative findings and declarations; Intent

The Legislature finds and declares all of the following:

(a) There is an urgent need for low–cost, energy–efficient housing in California.

(b) The cost of conventional lumber–framed housing has risen due to a shortage of construction–grade lumber.

(c) Straw is an annually renewable source of cellulose that can be used as an energy–efficient substitute for stud–framed wall construction.

(d) The state has mandated that the burning of rice straw be greatly reduced.

(e) As a result of the mandated burning reduction, growers are experimenting with alternative straw management practices. Various methods of straw incorporation into the soil are the most widely used alternatives. The two most common methods are nonflood incorporation and winter flood incorporation. Economically viable off–farm uses for rice straw are not yet available.

(f) Winter flooding of rice fields encourages the natural decomposition of rice straw and provides valuable waterfowl habitat. According to the Central Valley Habitat Joint Venture component of the North American Waterfowl Management Plan, in California's Central Valley, over 400,000 acres of enhanced agricultural lands are needed to restore the depleted migratory waterfowl populations of the Pacific flyway. Flooded rice fields are a key and integral part of the successful restoration of historic waterfowl and shorebird populations.

(g) Winter flooding of rice fields provides significant waterfowl habitat benefits and should be especially encouraged in areas where there is minimal potential to impact salmon as a result of surface water diversions.

(h) An economically viable market for rice straw bales could result from the use of rice straw bales in housing construction.

(i) Practicing architects and engineers have determined that the statutory guidelines established by Chapter 941 of the Statutes of 1995 contain specific requirements that they believe are either unnecessary or detrimental. Some of the requirements are considered costly and severely restrict the development of straw–bale housing.

(j) Statutory guidelines for the use of straw–bale housing would significantly benefit energy conservation, natural resources, low–cost housing, agriculture, and fisheries in California.

(k) Tests and experience with straw–bale construction demonstrate that it is a strong, durable, and thermally superior building system that deserves a larger role in modern construction.

Added Stats 1995 ch 941 § 1 (AB 1314). Amended Stats 2002 ch 31 § 1 (SB 332), effective April 26, 2002.

§ 18944.31. Adoption of guidelines by city or county

(a) Notwithstanding any other provision of law, the guidelines established by this chapter shall apply to the construction of all structures that use baled straw as a loadbearing or nonloadbearing material within any city or county that adopted the guidelines established by Chapter 941 of the Statutes of 1995 prior to January 1, 2002. This requirement shall not preclude the city or county from making changes or modifications to the guidelines pursuant to subdivision (b). Notwithstanding any other provision of law, the guidelines established by this chapter shall not become operative in a city or county that has not adopted the guidelines prior to January 1, 2002, unless and until the legislative body of the city or county makes an express finding that the application of these guidelines within the city or county is reasonably necessary because of local conditions and the city or county files a copy of that finding with the department.

(b) A city or county may, by ordinance or regulation, make any changes or modifications in the guidelines contained in this chapter as it determines are reasonably necessary because of local conditions, provided the city or county files a copy of the changes or modifications and the express findings for the changes or modifications with the department. No change or modification of that type shall become effective or operative for any purpose until the finding and the change or modification has been filed with the department.

(c) Nothing in this chapter shall be construed as increasing or decreasing the authority to approve or disapprove of alternative construction methods pursuant to the State Housing Law, Part 1.5 (commencing with Section 17910) or the California Building Standards Code, Title 24 of the California Code of Regulations.

(d) It is the intent of the Legislature that the statutory guidelines of this chapter serve as an interim measure pending the evaluation of straw bales as a construction material through the normal processes used for the testing and listing of building materials, the determination of construction standards, and the adoption of those materials and construction standards into the California Building Standards Code.

Added Stats 1995 ch 941 § 1 (AB 1314). Amended Stats 1997 ch 580 § 8 (SB 320); Stats 2002 ch 31 § 2 (SB 332), effective April 26, 2002.

§ 18944.32. Construction of chapter

Nothing in this chapter shall be construed as an exemption from Chapter 3 (commencing with Section 5500) of, or Chapter 7 (commencing with Section 6700) of, Division 3 of the Business and Professions Code relative to preparation of plans, drawings, specifications, or calculations under the direct supervision of a licensed architect or civil engineer, for the construction of structures that deviate from the conventional framing requirements for wood–frame construction.

Added Stats 1995 ch 941 § 1 (AB 1314).

§ 18944.33. Definitions

For the purposes of this chapter, the following terms are defined as follows:

(a) "Bales" means rectangular compressed blocks of straw, bound by strings or wire.

(b) "Department" means the Department of Housing and Community Development.

(c) "Flakes" means slabs of straw removed from an untied bale. Flakes are used to fill small gaps between the ends of stacked bales.

(d) "Laid flat" refers to stacking bales so that the sides with the largest cross–sectional area are horizontal and the longest dimension of this area is parallel with the wall plane.

(e) "Laid on edge" refers to stacking bales so that the sides with the largest cross–sectional area are vertical and the longest dimension of this area is horizontal and parallel with the wall plane.

(f) "Loadbearing" refers to plastered straw–bale walls that bear the dead and live loads of the roof and any upper floor.

(g) “Nonloadbearing” refers to plastered straw–bale walls that bear only their own weight, such as infill panels within some type of post and beam structure.

(h) “Plaster” means lime, gypsum, lime cement, or cement plasters, as defined by the California Building Standards Code, or earthen plaster with fiber reinforcing.

(i) “Straw” means the dry stems of cereal grains left after the seed heads have been substantially removed.

Added Stats 1995 ch 941 § 1 (AB 1314). Amended Stats 2002 ch 31 § 3 (SB 332), effective April 26, 2002.

§ 18944.34. [Section repealed 2004.]

Added Stats 1995 ch 941 § 1 (AB 1314). Repealed Stats 2004 ch 193 § 94 (SB 111). The repealed section related to a report regarding the implementation of this chapter.

Article 2 Guidelines For Materials

§ 18944.35. Requirements for bales

(a) Bales shall be rectangular in shape.

(b) Bales used within a continuous wall shall be of consistent height and width to ensure even distribution of loads within wall systems.

(c) Bales shall be bound with ties of either polypropylene string or baling wire. Bales with broken or loose ties shall not be used unless the broken or loose ties are replaced with ties which restore the original degree of compaction of the bale.

(d) The moisture content of bales, at the time of installation, shall not exceed 20 percent of the total weight of the bale. Moisture content of bales shall be determined through the use of a suitable moisture meter, designed for use with baled rice straw or hay, equipped with a probe of sufficient length to reach the center of the bale, and used to determine the average moisture content of five bales randomly selected from the bales to be used.

(e) Bales in loadbearing walls shall have a minimum calculated dry density of 7.0 pounds per cubic foot. The calculated dry density shall be determined after reducing the actual bale weight by the weight of the moisture content.

(f) Where custom–made partial bales are used, they shall be of the same density, same string or wire tension, and, where possible, use the same number of ties as the standard size bales.

(g) Bales of various types of straw, including wheat, rice, rye, barley, oats, and similar plants, shall be acceptable if they meet the minimum requirements of this chapter for density, shape, moisture content, and ties.

Added Stats 1995 ch 941 § 1 (AB 1314). Amended Stats 2002 ch 31 § 4 (SB 332), effective April 26, 2002.

Article 3 Construction Guidelines

§ 18944.40. Bale walls (Operative term contingent)

(a) Straw-bale walls, when covered with plaster, drywall, or stucco, shall be deemed to have the equivalent fire resistive rating as wood-frame construction with the same wall-finishing system.

(b) Minimum bale wall thickness shall be 13 inches.

(c) Buildings with loadbearing bale walls shall not exceed one story in height without substantiating calculations and design by a civil engineer or architect licensed by the state, and the bale portion of the loadbearing walls shall not exceed a height-to-width ratio of 5.6:1 (for example, the maximum height for a wall that is 23 inches thick would be 10 feet 8 inches).

(d) The ratio of unsupported wall length to thickness, for loadbearing walls, shall not exceed 15.7:1 (for example, for a wall that is 23 inches thick, the maximum unsupported length allowed is 30 feet).

(e) The allowable vertical load (live and dead load) on top of loadbearing bale walls plastered with cement or lime cement plaster on both sides shall not exceed 800 pounds per linear foot, and the resultant load shall act at the center of the wall. Straw-bale structures shall be designed to withstand all vertical and horizontal loads, and the resulting overturning and base shear, as specified in the latest edition of the California Building Standards Code. Straw-bale walls plastered with cement or lime cement plaster on both sides shall be capable of resisting in-plane lateral forces from wind or earthquake of 360 pounds per linear foot.

(f) Foundations shall be designed in accordance with the California Building Standards Code to accommodate the load created by the bale wall plus superimposed live and dead loads. Supports for bale walls shall extend to an elevation of at least six inches above adjacent ground at all points, and at least one inch above floor surfaces.

(g)(1) Bale walls shall be anchored to supports to resist lateral forces, as approved by the civil engineer or architect. This may be accomplished with one-half inch reinforcing bars embedded in the foundation and penetrating the bales by at least 12 inches, located along the center line of the bale wall, spaced not more than two feet apart. Other methods as determined by the engineer or architect may also be used.

(2) Nonbale walls abutting bale walls shall be attached by means of one or more of the following methods or by means of an acceptable equivalent:

(A) Wooden dowels of 5/8 inch minimum diameter and of sufficient length to provide 12 inches of penetration into the bale, driven through holes bored in the abutting wall stud, and spaced to provide one dowel connection per bale.

(B) Pointed wooden stakes, a minimum of 12 inches in length and 11/2 inches by 31/2 inches at the exposed end, fully driven into each course of bales, as anchorage points.

(C) Bolted or threaded rod connection of the abutting wall, through the bale wall, to a steel nut and steel or plywood plate washer, a minimum of 6 inches square and a minimum thickness of 3/16 of an inch for steel and 1/2 inch for plywood, in a minimum of three locations.

(3)(A) Bale walls and roof bearing assemblies shall be anchored to the foundation where necessary, as determined by the civil engineer or architect, by means of methods that are adequate to resist uplift forces resulting from the design wind load. There shall be a minimum of two points of anchorage per wall, spaced not more than 6 feet apart, with one located within 36 inches of each end of each wall.

(B) With loadbearing bale walls, the dead load of the roof and ceiling systems will produce vertical compression of the walls. Regardless of the anchoring system used to attach the roof bearing assembly to the foundation, prior to installation of wall finish materials, the nuts, straps, or cables shall be retightened to compensate for this compression.

(h)(1) A moisture barrier shall be used between the top of the foundation and the bottom of the bale wall to prevent moisture from migrating through the foundation so as to come into contact with the bottom course of bales. This barrier shall consist of one of the following:

(A) Cementitious waterproof coating.

(B) Type 30 asphalt felt over an asphalt emulsion.

(C) Sheet metal flashing, sealed at joints.

(D) Another building moisture barrier, as approved by the building official.

(2) All penetrations through the moisture barrier, as well as all joints in the barrier, shall be sealed with asphalt, caulking, or an approved sealant.

(3) There shall also be a drainage plane between the straw and the top of the foundation, such as a one inch layer of pea gravel.

(i)(1) For nonloadbearing walls, bales may be laid either flat or on edge. Bales in loadbearing bale walls shall be laid flat and be stacked in a running bond, where possible, with each bale overlapping the two bales beneath it. Overlaps shall be a minimum of 12 inches. Gaps between the ends of bales which are less than 6 inches in width may be filled by an untied flake inserted snugly into the gap.

(2) Bale wall assemblies shall be held securely together by rebar pins driven through bale centers as described in this chapter, or equivalent methods as approved by the civil engineer or architect.

(3) The first course of bales shall be laid by impaling the bales on the rebar verticals and threaded rods, if any, extending from the foundation. When the fourth course has been laid, vertical #4 rebar pins, or an acceptable equivalent long enough to extend through all four courses, shall be driven down through the bales, two in each bale, located so that they do not pass through the space between the ends of any two bales. The layout of these rebar pins shall approximate the layout of the rebar pins extending from the foundation. As each subsequent course is laid, two pins, long enough to extend through that course and the three courses immediately below it, shall be driven down through each bale. This pinning method shall be continued to the top of the wall. In walls seven or eight courses high, pinning at the fifth course may be eliminated.

(4) Alternative pinning method to the method described in paragraph (3): when the third course has been laid, vertical #4 rebar pins, or an acceptable equivalent, long enough to extend through all three courses, shall be driven down through the bales, two in each bale, located so that they do not pass through the space between the ends of any two bales. The layout of these rebar pins shall approximate the layout of the rebar pins extending from the foundation. As each subsequent course is laid, two pins, long enough to extend through that course and the two courses immediately below it, shall be driven down through each bale. This pinning method shall be continued to the top of the wall.

(5) Only full-length bales shall be used at corners of loadbearing bale walls.

(6) Vertical #4 rebar pins, or an acceptable alternative, shall be located within one foot of all corners or door openings.

(7) Staples, made of #3 or larger rebar formed into a “U” shape, a minimum of 18 inches long with two 6-inch legs, shall be used at all corners of every course, driven with one leg into the top of each abutting corner bale.

(j)(1) All loadbearing bale walls shall have a roof bearing assembly at the top of the walls to bear the roof load and to provide the means of connecting the roof structure to the foundation. The roof bearing assembly shall be continuous along the tops of loadbearing bale walls.

(2) An acceptable roof bearing assembly option shall consist of two double 2-inch by 6-inch, or larger, horizontal top plates, one located at the inner edge of the wall and the other at the outer edge. Connecting the two doubled top plates, and located horizontally and perpendicular to the length of the wall, shall be 2-inch by 6-inch cross members, spaced no more than 72 inches center to center, and as required to align with the threaded rods extending from the anchor bolts in the foundation. The double 2-inch by 6-inch top plates shall be face-nailed with 16d nails staggered at 16-inch o.c., with laps and intersections face-nailed with four 16d nails. The crossmembers shall be face-nailed to the top plates with four 16d nails at each end. Corner connections shall include overlaps nailed as above or an acceptable equivalent, such as plywood gussets or metal plates. Alternatives to this roof bearing assembly option shall provide equal or greater vertical rigidity and provide horizontal rigidity equivalent to a continuous double 2 by 4 top plate.

(3) The connection of roof framing members to the roof plate shall comply with the appropriate sections of the California Building Standards Code.

(k) All openings in loadbearing bale walls shall be a minimum of one full bale length from any outside corner, unless exceptions are approved by an engineer or architect licensed by the state to practice. Wall or roof load present above any opening shall be carried, or transferred, to the bales below by one of the following:

(1) A frame, such as a structural window or door frame.

(2) A lintel, such as an angle-iron cradle, wooden beam, or wooden box beam. Lintels shall be at least twice as long as the opening is wide and extend a minimum of 24 inches beyond either side of the opening. Lintels shall be centered over openings.

(3) A roof bearing assembly designed to act as a rigid beam over the opening.

(l)(1) All weather-exposed bale walls shall be protected from water damage. No vapor impermeable barrier may be used on bale walls, and the civil engineer or architect may design the bale walls without any membrane barriers between straw and plaster, except as specified in this section, in order to allow natural transpiration of moisture from the bales and to secure a structural bond between plaster and straw.

(2) Bale walls shall have special moisture protection provided at all horizontal surfaces exposed to the weather. This moisture protection shall be installed in a manner that will prevent water from entering the wall system.

(m)(1) Interior and exterior surfaces of bale walls shall be protected from mechanical damage, flame, animals, and prolonged exposure to water. Bale walls adjacent to bath and shower enclosures shall be protected by a moisture barrier.

(2) Cement stucco shall be reinforced with galvanized woven wire stucco netting or an equivalent, as approved by the building official. The reinforcement shall be secured by attachment through the wall at a maximum spacing of 24 inches horizontally and 16 inches vertically, unless substantiated otherwise by a civil engineer or architect.

(3) Where bales abut other materials, the plaster or stucco shall be reinforced with galvanized expanded metal lath, or an acceptable equivalent, extending a minimum of 6 inches onto the bales.

(4) Earthen and lime-based plasters may be applied directly onto bale walls without reinforcement, except where applied over materials other than straw.

(n)(1) All wiring within or on bale walls shall meet all provisions of the California Electrical Code. Type “NM” or “UF” cable may be used, or wiring may be run in metallic or nonmetallic conduit systems.

(2) Electrical boxes shall be securely attached to wooden stakes driven a minimum of 12 inches into the bales, or an acceptable equivalent.

(o) Water or gas pipes within bale walls shall be encased in a continuous pipe sleeve to prevent leakage within the wall. Where pipes are mounted on bale walls, they shall be isolated from the bales by a moisture barrier.

(p) Bales shall be protected from rain and other moisture infiltration at all times until protected by the roof of the structure.

Added Stats 1995 ch 941 § 1 (AB 1314). Amended Stats 2002 ch 31 § 5 (SB 332), effective April 26, 2002.

§ 18944.41. Affect of standards permitting use of baled straw as loadbearing or nonloadbearing material

Sections 18944.30, 18944.31, 18944.33, 18944.35, and 18944.40 shall become inoperative when building standards become effective after approval by the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) that permit the construction of structures that use baled straw as a loadbearing or nonloadbearing material and that are safe to the public.

Added Stats 2002 ch 31 § 6 (SB 332), effective April 26, 2002.

Chapter 5 APPEALS AND ENFORCEMENT

§ 18945. Appeals; Parties

(a) Any person adversely affected by any regulation, rules, omission, interpretation, decision, or practice of any state agency respecting the administration of any building standard may appeal the issue for resolution to the commission.

(b) If any local agency having authority to enforce a state building standard and any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of such agency respecting such building standard both wish to appeal the issue for resolution to the commission, then both parties may appeal to the commission. The commission may accept such appeal only if the commission determines that the issues involved in such appeal have statewide significance.

Added Stats 1979 ch 1152 § 163.

§ 18946. Hearing of appeals; Written decisions

Except as provided in Section 18947, the commission may hear the appeal itself, or by designating a member of the commission to be a hearing officer, or may refer the appealing parties to an advisory panel, a committee, or to a hearing officer appointed by the Office of Administrative Hearings, wherein the hearing officer designated by the commission or appointed by the Office of Administrative Hearings, should, where possible, possess some expertise in the technical aspects of the appeal. If a referral is made, the panel, committee, or hearing officer may make an investigation and conduct hearings as they deem appropriate, provided that all interested agencies or parties shall have a full and fair opportunity to be heard. A proposed written decision shall be submitted to the commission which

the commission may adopt, adopt as modified, or reject. The commission shall render its decision or interpretation in writing.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 1003 § 6.

§ 18947. Appeals regarding decision of Occupational Safety and Health Division

Where the appeal issue results from the enforcement of a standard for occupational safety and health by an inspector of the Division of Occupational Safety and Health of the Department of Industrial Relations, the employer shall appeal directly to the Occupational Safety and Health Appeals Board, and the appeal shall be conducted pursuant to the provisions of Chapter 7 (commencing with Section 6600) of Part 1 of Division 5 of the Labor Code. Such an appeal, if sent to the commission in error, shall be forwarded immediately to the Occupational Safety and Health Appeals Board. The date of receipt of any such appeal by the commission shall be considered the date of filing for purposes of meeting the filing time requirements of Section 6600 of the Labor Code.

Added Stats 1979 ch 1152 § 163.

§ 18948. Enforcement responsibility

The responsibility for the enforcement and administration of building standards shall remain in the state or local agency specified by other provisions of law.

Added Stats 1979 ch 1152 § 163.

§ 18948.1. Availability of written rules and regulations

(a) Written rules and regulations by a local enforcement agency to clarify the application of the California Building Standards Code shall be made available to the public upon request.

(b) A local enforcement agency may charge a fee to cover the costs of making copies of the written rules and regulations described in subdivision (a).

Added Stats 2004 ch 642 § 2 (AB 2638).

§ 18949. Fee schedule for appeals

The commission shall establish a schedule of fees for appeals in an amount sufficient to pay its costs of administration and hearing appeals.

Added Stats 1981 ch 1082 § 3.

Chapter 6 REGULATIONS

§ 18949.1. Transfer of responsibilities of State Architect

Any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the commission.

Added Stats 1991 ch 865 § 24 (AB 47).

§ 18949.2. Transfer of responsibilities of State Fire Marshal

(a) Any responsibilities of the State Fire Marshal to adopt, through a formal rulemaking process as provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, relating to building standards, including, but not limited to, Sections 13108, 13143, 13143.6, and 13211, are hereby transferred to the commission.

(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

(d) The role of the commission in reviewing and adopting fire and life safety building standards shall be strictly limited to a technical review of those standards through a process integrated with the technical review of all other state building standards, and a determination as to whether those standards conform to the requirements of Section 18930 commonly known as the "nine point criteria."

(e) The commission may not rewrite or modify any fire or life safety building standard without the express mutual agreement of the State Fire Marshal. If the State Fire Marshal does not agree with the modification of a fire or life safety building standard as proposed by the commission, the authority of the commission shall be limited to disapproval of the standard, pursuant to the "nine point criteria" in Section 18930.

Added Stats 1991 ch 865 § 24 (AB 47).

§ 18949.3. Transfer of responsibilities of Office of Statewide Health Planning and Development

Any responsibilities of the Office of Statewide Health Planning and Development to adopt regulations relating to building standards, including, but not limited to, responsibilities specified in Division 12.5 (commencing with Section 15000), are hereby transferred to the commission.

Added Stats 1991 ch 865 § 24 (AB 47).

§ 18949.4. Submission of standards by State Energy Resources Conservation and Development Commission

The State Energy Resources Conservation and Development Commission shall submit building standards to the commission for review and approval pursuant to Section 18930 in accordance with the time schedule established by the California Building Standards Commission.

Added Stats 1991 ch 865 § 24 (AB 47).

§ 18949.5. Transfer of responsibilities of Department of Housing and Community Development

Any responsibilities of the Department of Housing and Community Development to adopt regulations relating to buildings standards are hereby transferred to the commission.

Added Stats 1991 ch 865 § 24 (AB 47).

§ 18949.6. Procedure for adoption of building standards and administrative regulations

(a) The commission shall adopt regulations setting forth the procedure for the adoption of building standards and administrative regulations that apply directly to the implementation or enforcement of building standards.

(b) Regulatory adoption shall be accomplished so as to facilitate the triennial adoption of the specified model codes pursuant to Section 18928.

(c) The regulations shall allow for the distribution of proposed building standards and regulatory changes to the public for review in compliance with the requirements of the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and for the acceptance of responses from the public.

Added Stats 1991 ch 865 § 24 (AB 47). Amended Stats 1993 ch 56 § 27 (AB 2351); Stats 1995 ch 938 § 65.8 (SB 523), operative July 1, 1997; Stats 1998 ch 426 § 1 (AB 2697), effective September 11, 1998; Stats 2004 ch 225 § 40 (SB 1097), effective August 16, 2004.

§ 18949.7. Transfers of responsibilities of State Department of Public Health

Any responsibilities of the State Department of Public Health to adopt regulations relating to building standards are hereby transferred to the commission, except that the commission shall not adopt any regulation without the concurrence of the State Department of Public Health. Nothing in this section shall be construed to change the current process for adopting regulations relating to building standards of health facilities, as defined in Section 1250.

Added Stats 2010 ch 246 § 1 (AB 2001).

Chapter 7 CONSTRUCTION INSPECTORS, PLANS EXAMINERS, AND BUILDING OFFICIALS

§ 18949.25. "Construction inspector"

For purposes of this chapter, "construction inspector" means any person who is hired or contracted by a local agency in a temporary or permanent capacity for the purpose of inspecting construction for structural, seismic safety, fire and life safety, or building system requirements of adopted uniform codes or standards, as applied to residential, commercial, or industrial buildings.

Added Stats 1995 ch 623 § 1 (AB 717), as H & S C § 18965. Amended and renumbered by Stats 1996 ch 124 § 60 (AB 3470).

§ 18949.26. "Plans examiner"

For purposes of this chapter, "plans examiner" means any person who is hired or contracted by a local agency in a temporary or permanent capacity for the purpose of performing construction plan review for structural, seismic safety, fire and life safety, or building system requirements of adopted uniform codes or standards, as applied to residential, commercial, or industrial buildings.

Added Stats 1995 ch 623 § 1 (AB 717), as H & S C § 18966. Amended and renumbered by Stats 1996 ch 124 § 61 (AB 3470).

§ 18949.27. "Building official"

For purposes of this chapter, "building official" means the individual invested with the responsibility for overseeing local code enforcement activities, including administration of the building department, interpretation of code requirements, and direction of the code adoption process.

Added Stats 1995 ch 623 § 1 (AB 717), as H & S C § 18967. Amended and renumbered by Stats 1996 ch 124 § 62 (AB 3470).

§ 18949.28. Experience and certification requirements; Exemptions

(a) All construction inspectors, plans examiners and building officials who are not exempt from the requirements of this chapter pursuant to subdivision (b), or previously certified, shall complete one year of verifiable experience in the appropriate field, and shall, within one year thereafter, obtain certification from a recognized state, national, or international association, as determined by the local agency. The area of certification shall be closely related to the primary job function, as determined by the local agency.

(b) Any person who is currently and has continuously been employed as a construction inspector, plans examiner, or building official for not less than two years prior to the effective date of this section shall be exempt from the certification provisions of this section, unless and until that person obtains employment as a construction inspector, plans examiner, or building official with a different employer.

(c) Nothing in this article is intended to prohibit a local agency from prescribing additional criteria for the certification of construction inspectors, plans examiners, or building officials.

(d) Nothing in this chapter, as it relates to construction inspectors, plans examiners, or building officials, shall be construed to alter the requirements for licensure, or the jurisdiction, authority, or scope of practice, of architects pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code, professional engineers pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or land surveyors pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code.

Added Stats 1995 ch 623 § 1 (AB 717), as H & S C § 18968. Amended and renumbered by Stats 1996 ch 124 § 63 (AB 3470).

§ 18949.29. Continuing education requirements; Fees

(a) All construction inspectors, plans examiners, and building officials shall complete a minimum of 45 hours of continuing education for every three-year period, with at least eight hours regarding disability access requirements pursuant to subdivision (d). A local government may charge or increase inspection fees to the extent necessary to offset any added costs incurred in complying with this section.

(b) Providers of continuing education may include any organizations affiliated with the code enforcement profession, community colleges, or other providers of similar quality, as determined by the local agency.

(c) For purposes of this section, “continuing education” is defined as that education relating to the enforcement of Title 24 of the California Code of Regulations, and any other locally enforced building and construction standards, including, but not limited to, the model uniform codes adopted by the state. When a local agency selects a model code organization as a provider of continuing education or certification programs regarding the enforcement of a model code adopted by the state, the local agency shall give preference to the organization responsible for promulgating or drafting that model code.

(d) Continuing education regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Continuing education provided pursuant to this subdivision shall be presented by trainers or educators with knowledge and expertise in these requirements.

Added Stats 1995 ch 623 § 1 (AB 717), as H & S C § 18969. Amended and renumbered by Stats 1996 ch 124 § 64 (AB 3470); Stats 2008 ch 549 § 8 (SB 1608), effective January 1, 2009.

§ 18949.30. Application of chapter

This chapter does not apply to a registered professional engineer, licensed land surveyor, or licensed architect rendering construction inspection services, plan examination services, or building official services within the scope of his or her registration or licensure, except that this chapter applies to a registered professional engineer, licensed land surveyor, or licensed architect who is an employee of a local agency. This chapter does not apply to a construction inspector or plans examiner employed by any city or county fire department or district providing fire protection services.

Added Stats 1995 ch 623 § 1 (AB 717), as H & S C § 18970. Amended and renumbered by Stats 1996 ch 124 § 65 (AB 3470).

§ 18949.31. Costs of certification, renewal, and continuing education

The local agency shall bear the costs of certification, certification renewal, and continuing education, as mandated by this chapter. The local agency may impose fees, including, but not limited to, fees for construction inspection and plan checks, which may be used to cover the costs of compliance with this chapter. A local agency’s actual costs of compliance with this chapter may include, but are not limited to, training and certification courses, certification exam and renewal fees, employee salary during training and certification courses, and mileage and other reimbursable costs incurred by the employee. The fees imposed to cover the costs of compliance with this chapter shall reflect these actual costs, and are not limited by Chapter 5 of Division 1 of Title 7.

Added Stats 1995 ch 623 § 1 (AB 717), as H & S C § 18971. Amended and renumbered by Stats 1996 ch 124 § 66 (AB 3470).

Part 3. MISCELLANEOUS

Chapter 9. LOCAL BUILDING PERMITS

Article 1. Contents

§ 19825. Building permit application; Form; Owner-Builder Declaration; Documentation and verification

(a) Every city, county, or city and county, whether general law or chartered, that requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition, or repair of any building or structure, shall require the execution of a permit application, in substantially the same form set forth under this subdivision, and require any individual who executes the Owner-Builder Declaration to present documentation sufficient to identify the property owner and, as necessary, verify the signature of the property owner. A city, county, or city and county may require additional information on the permit application.

PERMIT APPLICATION
BUILDING PROJECT IDENTIFICATION

Applicant's Mailing Address _____

_____

Property Location or Address _____

_____

Property Owner's Name _____

Property Owner's Telephone No. _____

_____

Licensed Design Professional (Architect or Engineer) in charge of the project _____

_____

Mailing Address of Licensed Design Professional _____

_____

_____

License No. _____

LICENSED CONTRACTOR'S DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class

_____

License No. _____

Date

_____

Contractor Signature _____

OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors State License Law for the reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s) (Section 7031.5, Business and Professions Code: Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500).):

(_) I, as owner of the property, or my employees with wages as their sole compensation, will do (_) all of or (_) portions of the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractors State License Law does not apply to an owner of property who, through employees' or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.).

(_) I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project (Section 7044, Business and Professions Code: The Contractors State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a licensed Contractor pursuant to the Contractors State License Law.).

(_) I am exempt from licensure under the Contractors' State License Law for the following reason:

_____

By my signature below I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available upon request when this application is submitted or at the following Web site: http://www.leginfo.ca.gov/calaw.html.

Date _____

Signature of Property Owner or Authorized Agent

_____

WORKERS' COMPENSATION DECLARATION

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I hereby affirm under penalty of perjury one of the following declarations:

____ I have and will maintain a certificate of consent to self-insure for workers' compensation, issued by the Director of Industrial Relations as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

Policy No. _____

____ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier

_____

Policy Number_____ Expiration Date_____

Name of Agent _____ Phone # _____

____ I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

_____ _____

Signature of Applicant Date

DECLARATION REGARDING CONSTRUCTION LENDING AGENCY

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Section 8172, Civil Code).

Lender's Name

_____

Lender's Address

_____

By my signature below, I certify to each of the following:

I am the property owner or authorized to act on the property owner's behalf.

I have read this application and the information I have provided is correct.

I agree to comply with all applicable city and county ordinances and state laws relating to building construction.

I authorize representatives of this city or county to enter the above-identified property for inspection purposes.

Signature of Property Owner or Authorized Agent

_____

Date _____

(b) When the Permit Application and the Owner-Builder Declaration have been executed by a person other than the property owner, prior to issuing the permit, the following shall be completed by the property owner and returned to the agency responsible for issuing the permit:

AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Scope of Construction Project (or Description of Work):

_____

Project Location or Address:

_____

Name of Authorized Agent:

_____

Address of Authorized Agent:

_____

Phone Number of Authorized Agent:

_____

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy.

Property Owner's Signature:

_____

Date: _____

Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.

(c) When the Owner-Builder Declaration required under subdivision (a) is executed, a Notice to Property Owner also shall be executed by the property owner in substantially the same form set forth under this section. The Notice to Property Owner shall appear on the official letterhead of the issuer and shall be provided to the applicant by one of the following methods chosen by the permitting authority: regular mail, electronic format, or given directly to the applicant at the time the application for the permit is made. Except as otherwise provided, the Notice to Property Owner pursuant to this section shall be completed and signed by the property owner and returned prior to issuance of the permit. An agent of the owner shall not execute this notice unless the property owner obtains the prior approval of the permitting authority. A permit shall not be issued unless the property owner complies with this section.

NOTICE TO PROPERTY OWNER

Dear Property Owner:

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified at _____.

We are providing you with an Owner-Builder Acknowledgment and Information Verification Form to make you aware of your responsibilities and possible risk you may incur by having this permit issued in your name as the Owner-Builder.

We will not issue a building permit until you have read, initialed your understanding of each provision, signed, and returned this form to us at our official address indicated. An agent of the owner cannot execute this notice unless you, the property owner, obtain the prior approval of the permitting authority.

OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

DIRECTIONS: Read and initial each statement below to signify you understand or verify this information.

_____1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

_____2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.

_____3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

_____4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

_____5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars ($500), including labor and materials, I may be considered an "employer" under state and federal law.

_____6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "em-

ployee." I also understand my failure to abide by these laws may subject me to serious financial risk.

_____7. I understand under California Contractors State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

_____8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

_____9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800- 321-CSLB (2752) or www.cslb-.ca.gov for more information about licensed contractors.

_____10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the following address:

_____

_____11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner- Builders as well as employers.

_____12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form.

Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage.

Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit.

Note: A copy of the property owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.

Signature of property owner _____ Date: _____

Added Stats 2008 ch 66 § 2 (AB 2335), effective January 1, 2009.

Division 31 HOUSING AND HOME FINANCE

Part 11 HOUSING AND EMERGENCY SHELTER TRUST FUND ACT OF 2002

Chapter 4 ALLOCATION OF HOUSING BOND REVENUES

§ 53533. Schedule of allocation for expenditures

(a) Moneys deposited in the fund from the sale of bonds pursuant to this part shall be allocated for expenditure in accordance with the following schedule:

(1) Nine hundred ten million dollars ($910,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, except for the following:

(A) Fifty million dollars ($50,000,000) shall be transferred to the Preservation Opportunity Fund and, notwithstanding Section 13340 of the Government Code, is continuously appropriated without regard to fiscal years for the preservation of at-risk housing pursuant to Chapter 5 (commencing with Section 50600) of Part 2.

(B) Twenty million dollars ($20,000,000) shall be used for nonresidential space for supportive services, including, but not limited to, job training, health services, and child care within, or immediately proximate to, projects to be funded under the Multifamily Housing Program. This funding shall be in addition to any applicable per-unit or project loan limits and may be in the form of a grant. Service providers shall ensure that services are available to project residents on a priority basis over the general public.

(C) Twenty-five million dollars ($25,000,000) shall be used for matching grants to local housing trust funds pursuant to Section 50843.

(D) Fifteen million dollars ($15,000,000) shall be used for student housing through the Multifamily Housing Program, subject to the following provisions:

(i) The department shall give first priority for projects on land owned by a University of California or California State University campus. Second priority shall be given to projects located within one mile of a University of California or California State University campus that is suffering from a severe shortage of housing and limited availability of developable land as determined by the department. Those determinations shall be set forth in the Notice of Funding Availability and shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

(ii) All funds shall be matched on a one-to-one basis from private sources or by the University of California or California State University. For the purposes of this subparagraph, “University of California” includes the Hastings College of the Law.

(iii) Occupancy for the units shall be restricted to students enrolled on a full-time basis in the University of California or California State University.

(iv) Income eligibility pursuant to the Multifamily Housing Program shall be established by verification of the combined income of the student and his or her family.

(v) Any funds not used for this purpose within 24 months of the date that the funds are made available shall be awarded pursuant to subdivision (a) for the Downtown Rebound Program as set forth in paragraph (3) of subdivision (a) of Section 50898.1.

(E) Any funds not encumbered for the purposes set forth in this paragraph, except subparagraph (D), within 30 months of availability shall revert to the Housing Rehabilitation Loan Fund created by Section 50661 for general use in the Multifamily Housing Program.

(2) One hundred ninety-five million dollars ($195,000,000) shall be transferred to the Emergency Housing and Assistance Fund to be expended for the Emergency Housing and Assistance Program authorized by Chapter 11.5 (commencing with Section 50800) of Part 2 and for supportive housing purposes specified in paragraph (3).

(3) One hundred ninety-five million dollars ($195,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for supportive housing projects under the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, to serve individuals and households moving from emergency shelters or transitional housing or those at risk of homelessness.

(4) Two hundred million dollars ($200,000,000) shall be transferred to the Joe Serna, Jr. Farmworker Housing Grant Fund to be expended for farm-worker housing programs authorized by Chapter 3.2 (commencing with Section 50517.5) of Part 2, except for the following:

(A) Twenty-five million dollars ($25,000,000) shall be used for projects that serve migratory agricultural workers as defined in subdivision (i) of Section 7602 of Title 25 of the California Code of Regulations. If, after July 1, 2003, funds remain after the approval of all feasible applications, the department shall be deemed an eligible recipient for the purposes of reconstructing migrant centers operated through the Office of Migrant Services pursuant to Chapter 8.5 (commencing with Section 50710) that would otherwise be scheduled for closure due to health or safety considerations or are in need of significant repairs to ensure the health and safety of the residents. Of the moneys allocated by this subparagraph, the department shall receive fifteen million dollars ($15,000,000) for these purposes subject to the following conditions and requirements:

(i) The amount available to the department as a recipient shall be limited to ten million seven hundred thousand dollars ($10,700,000) prior to September 1, 2006. The department may receive up to four million three hundred thousand dollars ($4,300,000) in additional funds after that date and prior to July 1, 2007, to the extent that unencumbered funds are available.

(ii) The department shall make at least eight million one hundred fifty-nine thousand dollars ($8,159,000) available for flexible loans and grants for projects that serve migratory agricultural workers pursuant to subdivision (a) of Section 50517.10. These funds shall be available for encumbrance until September 1, 2006.

(iii) Any funds allocated by this subparagraph remaining unencumbered on July 1, 2007, shall revert for general use in the Joe Serna, Jr. Farmworker Housing Grant Program.

(B) Twenty million dollars ($20,000,000) shall be used for developments that also provide health services to the residents. Recipients of these funds shall be required to provide ongoing monitoring of funded developments to ensure compliance with the requirements of the Joe Serna, Jr. Farmworker Housing Grant Program. Projects receiving funds through this allocation shall be ineligible for funding through the Joe Serna, Jr. Farmworker Housing Grant Program.

(C) Except as provided in subparagraph (A) funds not encumbered for the purposes set forth in this paragraph within 30 months of availability shall revert for general use in the Joe Serna, Jr. Farmworker Housing Grant Program.

(5) Two hundred five million dollars ($205,000,000) shall be transferred to the Self-Help Housing Fund. Notwithstanding Section 13340 of the Government Code and Section 50697.1, these funds are hereby continuously appropriated without regard to fiscal years to the department to be expended for the purposes of the CalHome Program authorized by Chapter 6 (commencing with Section 50650) of Part 2, except for the following:

(A) Seventy-five million dollars ($75,000,000) shall be transferred to the Building Equity and Growth in Neighborhoods Fund to be used for the Building Equity and Growth in Neighborhoods (BEGIN) Program pursuant to Chapter 4.5 (commencing with Section 50860) of Part 1.

(B) Five million dollars ($5,000,000) shall be used to provide grants to cities, counties, cities and counties, and nonprofit organizations to provide grants for lower income tenants with disabilities for the purpose of making exterior modifications to rental housing in order to make that housing accessible to persons with disabilities. For the purposes of this subparagraph, “exterior modifications” includes modifications that are made to entryways or to common areas of the structure or property. The program provided for under this subparagraph shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

(C) Ten million dollars ($10,000,000) shall be expended for construction management under the California Self-Help Housing Program pursuant to subdivision (b) of Section 50696.

(D) Any funds not encumbered for the purposes set forth in this paragraph within 30 months of availability shall revert for general use in the CalHome Program.

(6) Five million dollars ($5,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for capital expenditures in support of local code enforcement and compliance programs. This allocation shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code. If the moneys allocated pursuant to this paragraph are not expended within three years after being transferred, the department may, in its discretion, transfer the moneys to the Housing Rehabilitation Loan Fund to be expended for the Multifamily Housing Program.

(7) Two hundred ninety million dollars ($290,000,000) shall be transferred to the Self-Help Housing Fund. Notwithstanding Section 50697.1, these funds are hereby continuously appropriated to the agency to be expended for the purposes of the California Homebuyer’s Downpayment Assistance Program authorized by Chapter 11 (commencing with Section 51500) of Part 3, except for the following:

(A) Fifty million dollars ($50,000,000) shall be transferred to the School Facilities Fee Assistance Fund as provided by subdivision (a) of Section 51453 to be used for the Homebuyer Down Payment Assistance Program of 2002 established by Section 51451.5.

(B) Eighty-five million dollars ($85,000,000) shall be transferred to the California Housing Loan Insurance Fund to be used for purposes of Part 4 (commencing with Section 51600). The agency may transfer these moneys as often as quarterly in amounts that shall not exceed the dollar amount of new insurance written by the agency during the preceding quarter for loans for the purchase of homes made to owner-occupant borrowers with incomes not exceeding 120 percent of the area median income, divided by the risk-to-capital ratio required for the maintenance of satisfactory credit ratings from nationally recognized credit rating services.

(C)(i) Twelve million five hundred thousand dollars ($12,500,000) shall be reserved for downpayment assistance to low-income first-time home buyers who, as documented to the agency by a nonprofit organization certified and funded to provide home ownership counseling by a federally funded national nonprofit corporation, are purchasing a residence in a community revitalization area targeted by the nonprofit organization and who have received home ownership counseling from the nonprofit organization. Community revitalization areas shall be limited to targeted neighborhoods identified by qualified nonprofit organizations as those neighborhoods in need of economic stimulation, renovation, and rehabilitation through efforts that include increased home ownership opportunities for low-income families.

(ii) Effective January 1, 2004, 50 percent of the funds available pursuant to clause (i) shall be available for downpayment assistance in an amount not to exceed 6 percent of the home sale price.

(iii) After 12 months of availability, if more than 50 percent of the funds set aside pursuant to clause (ii) have been encumbered, the agency shall discontinue that program and make all remaining funds available for downpayment

assistance pursuant to clause (i). If, however, less than 50 percent of the funds allocated pursuant to clause (ii) are encumbered after that 12-month period, the agency may, at its sole discretion, either make all remaining funds provided pursuant to clause (i) available for the purpose of clause (ii), or may continue to implement clause (ii) until all of the funds allocated for that purpose as of January 1, 2004, have been encumbered.

(D) Twenty-five million dollars ($25,000,000) shall be used for downpayment assistance pursuant to Section 51505. After 18 months of availability, if the agency determines that the funds set aside pursuant to this section will not be utilized for purposes of Section 51505, these funds shall be available for the general use of the agency for the purposes of the California Homebuyer's Downpayment Assistance Program, but may also continue to be available for the purposes of Section 51505.

(E) Funds not utilized for the purposes set forth in subparagraphs (B) and (C) within 30 months shall revert for general use in the California Homebuyer's Downpayment Assistance Program.

(8) One hundred million dollars ($100,000,000) shall be transferred to the Jobs Housing Improvement Account to be expended as capital grants to local governments for increasing housing pursuant to enabling legislation. If the enabling legislation fails to become law in the 2001–02 Regular Session of the Legislature, the specified allocation for this program shall be void and the funds shall revert for general use in the Multifamily Housing Program as specified in paragraph (1) of subdivision (a).

(b) No portion of the moneys allocated pursuant to this section may be expended for project operating costs, except that this section does not preclude expenditures for operating costs from reserves required to be maintained by or on behalf of the project sponsor.

(c) The Legislature may, from time to time, amend the provisions of law related to programs to which funds are, or have been, allocated pursuant to this section for the purpose of improving the efficiency and effectiveness of the program, or for the purpose of furthering the goals of the program.

(d) The Bureau of State Audits shall conduct periodic audits to ensure that bond proceeds are awarded in a timely fashion and in a manner consistent with this part, and that awardees of bond proceeds are using funds in compliance with applicable provisions of this part.

Added Stats 2002 ch 26 § 8 (SB 1227), effective April 22, 2002. Amended Stats 2003 ch 228 § 24 (AB 1756), effective August 11, 2003, ch 553 § 15 (AB 304), ch 578 § 4.5 (AB 1475); Stats 2004 ch 183 § 224 (AB 3082), ch 227 § 80 (SB 1102), effective August 16, 2004; Stats 2005 ch 74 § 53 (AB 139), effective July 19, 2005; Stats 2006 ch 69 § 21 (AB 1806), effective July 12, 2006 (ch 69 prevails), ch 538 § 414 (SB 1852), effective January 1, 2007; Stats 2007 ch 130 § 168 (AB 299), effective January 1, 2008; Stats 2011 ch 541 § 1 (AB 221), effective January 1, 2012.

Division 103 DISEASE PREVENTION AND HEALTH PROMOTION

Part 5 ENVIRONMENTAL AND OCCUPATIONAL EPIDEMIOLOGY

Chapter 4 RESIDENTIAL LEAD–BASED PAINT HAZARD REDUCTION

§ 105251. Definitions

For purposes of this chapter, the following definitions shall apply:

(a) The following terms shall have the same meaning as contained in Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations adopted by the State Department of Health Services pursuant to Sections 105250 and 124160: "abatement," "accredited training provider," "certificate," "course completion form," "DHS–approved course," "lead hazard," "lead hazard evaluation," "lead related construction work," "public building," and "residential building."

(b) "Department" means the State Department of Health Services.

(c) "Local enforcement agency" means the health department, environmental agency, housing department, or building department of any city, county, or city and county.

Added Stats 2002 ch 931 § 4 (SB 460).

§ 105252. Requirements for offering lead–related construction courses; Penalty

(a) It is unlawful for any person to offer lead–related construction courses to meet department certificate requirements unless that person is an accredited training provider as specified in Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations, as adopted pursuant to Sections 105250 and 124160.

(b) It is unlawful for any person to issue, or offer to issue, a lead–related construction course completion form to any person except upon successful completion by that person of a DHS–approved course.

(c) The department or any local enforcement agency may, consistent with Section 17972, enter, inspect, and photograph any premises or facilities, and inspect and copy any business record, where any accredited training provider, or any person who offers lead–related construction courses or issues lead–related construction course completion forms, conducts business to determine whether the person is complying with this section.

(d) It is unlawful for any person who is an accredited training provider or who offers lead–related construction courses or issues lead–related construction completion forms, to refuse entry or inspection, the taking of photographs or other evidence, or access to copying of any record as authorized by this section, or to conceal or withhold evidence.

(e) A violation of this section shall be punishable by imprisonment for not more than six months in the county jail, a fine of not more than one thousand dollars ($1,000), or by both that imprisonment and fine.

Added Stats 2002 ch 931 § 5 (SB 460).

§ 105254. Types of lead construction work requiring certification

(a) The following persons engaged in the following types of lead construction work shall have a certificate:

(1) Persons who receive pay for doing lead hazard evaluations, including, but not limited to, lead inspections, lead risk assessments, or lead clearance inspections, in residential or public buildings.

(2) Persons preparing or designing plans for the abatement of lead–based paint or lead hazards from residential or public buildings.

(3) Persons doing any work designed to reduce or eliminate lead hazards on a permanent basis (to last 20 years or more) from residential or public buildings.

(4) Persons inspecting for lead or doing lead abatement activities in a public elementary school, preschool, or day care center.

(5) Persons doing lead–related construction work in a residential or public building that will expose a person to airborne lead at or above the eight–hour permissible exposure limit of 50 micrograms per cubic meter.

(b) Persons performing routine maintenance and repairs in housing are not required to have a certificate if they are not performing any of the activities listed under subdivision (a).

(c) The department may adopt regulations to modify certification requirements for persons engaged in lead construction work based on changes to state or federal law, or programmatic need.

(d) The department or any local enforcement agency may, consistent with Section 17972, enter, inspect, and photograph any premises where abatement or a lead hazard evaluation is being conducted or has been ordered, enter the place of business of any person who conducts abatement or lead hazard evaluations, and inspect and copy any business record of any person who conducts abatement or lead hazard evaluations to determine whether the person is complying with this section.

(e) A violation of this section shall be punishable by imprisonment for not more than six months in the county jail, a fine of not more than one thousand dollars ($1,000), or by both that imprisonment and fine.

Added Stats 2002 ch 931 § 7 (SB 460).

§ 105255. Creation of lead hazard by person performing lead–related construction work; Penalty

(a) No person shall perform lead–related construction work on any residential or public building in a manner that creates a lead hazard.

(b) The department and any local enforcement agency may, consistent with Section 17972, enter, inspect, and photograph any premises where lead–related construction work is being performed, enter the place of business of any person who performs lead–related construction work, and inspect and copy any business record of any person who performs lead–related construction work to determine whether the person is complying with this section and any regulations specified in Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations adopted by the State Department of Health Services pursuant to Sections 105250 and 124160.

(c) Notwithstanding any other provision of law, whenever the department or a local enforcement agency determines that a condition at a location or premises, or the activity of any person at the location or premises, is creating or has created a lead hazard at the location or premises, the department or the local enforcement agency may order the owner of the location or premises to abate or otherwise correct, at the option of the owner, the lead hazard, and may order the person whose activity is creating or has created the lead hazard, to cease and desist and shall give that owner or person a reasonable opportunity to correct.

(d) It is unlawful for any person to refuse or disobey any order issued pursuant to subdivision (c).

(e) A violation of subdivision (d) shall be punishable by a fine not to exceed one thousand dollars ($1,000). Any penalties under this section shall be in addition to any other penalty or remedy provided by law.

Added Stats 2002 ch 931 § 8 (SB 460).

§ 105256. Order to abate lead hazard or cease and desist activity creating lead hazard; Penalty

(a) Notwithstanding any other provision of law, whenever the department or a local enforcement agency determines that a condition at a location or premises, or the activity of any person at the location or premises, is creating or has created a lead hazard at the location or premises, the department or the local enforcement agency may order the owner of the location or premises to abate the lead hazard, and may order the person whose activity is creating or has created the lead hazard, to cease and desist.

(b) It is unlawful for any person to refuse to obey any order issued pursuant to this section.

(c) A violation of subdivision (b) shall be an infraction punishable by a fine not to exceed one thousand dollars ($1,000).

(d) A second or subsequent violation of subdivision (b) shall be a misdemeanor punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment for not more than six months in the county jail or by both that fine and imprisonment.

(e) Any penalties under this section shall be in addition to any other penalty or remedy provided by law.

Added Stats 2002 ch 931 § 9 (SB 460). Amended Stats 2006 ch 477 § 1 (AB 2861), effective January 1, 2007.

§ 105257. Deposit of penalties paid

Notwithstanding subdivision (f) of Section 1464 of the Penal Code, any state penalties paid for the violation of this chapter shall be deposited into the General Fund.

Added Stats 2002 ch 931 § 10 (SB 460).

Division 104 ENVIRONMENTAL HEALTH

Part 12 DRINKING WATER

Chapter 5 WATER EQUIPMENT AND CONTROL

Article 4 Lead Materials

§ 116875. Prohibition of lead in water pipes; Certification required

(a) No person shall use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.

(b)(1) No person shall introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, as defined in subdivision (e). This includes kitchen faucets, bathroom faucets, and any other end-use devices intended to convey or dispense water for human consumption through drinking or cooking, but excludes service saddles, backflow preventers for nonpotable services such as irrigation and industrial, and water distribution main gate valves that are two inches in diameter and above.

(2) Pipes, pipe or plumbing fittings, or fixtures that are used in manufacturing, industrial processing, for irrigation purposes, and any other uses where the water is not intended for human consumption through drinking or cooking are not subject to the requirements of paragraph (1).

(3) For all purposes other than manufacturing, industrial processing, or to convey or dispense water for human consumption, “lead free” is defined in subdivision (f).

(c) No person engaged in the business of selling plumbing supplies, except manufacturers, shall sell solder or flux that is not lead free.

(d) No person shall introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

(e) For the purposes of this section, “lead free” means not more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The weighted average lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by using the following formula: The percentage of lead content within each component that comes into contact with water shall be multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead. These percentages shall be added and the sum shall constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.

(f) For the purposes of paragraph (3) of subdivision (b), “lead free,” consistent with the requirements of federal law, means not more than 0.2 percent lead when used with respect to solder and flux and not more than 8 percent when used with respect to pipes and pipe fittings. With respect to plumbing fittings and fixtures, “lead free” means not more than 4 percent by dry weight after August 6, 2002, unless the department has adopted a standard, based on health effects, for the leaching of lead.

(g)(1) All pipe, pipe or plumbing fittings or fixtures, solder, or flux shall be certified by an independent American National Standards Institute (ANSI) accredited third party, including, but not limited to, NSF International, as being in compliance with this section.

(2)(A) The certification described in paragraph (1) shall, at a minimum, include testing of materials in accordance with the protocols used by the Department of Toxic Substances Control in implementing Article 10.1.2 (commencing with Section 25214.4.3) of Chapter 6.5 of Division 20.

(B) The certification required pursuant to this subdivision shall not interfere with either the department’s exercise of its independent authority to protect public health pursuant to this section, or the Department of Toxic Substances Control’s exercise of its independent authority to implement Article 10.1.2 (commencing with Section 25214.4.3) of Chapter 6.5 of Division 20.

(3) It is the intent of the Legislature that this subdivision only provide guidance and assistance to the entities that use an independent ANSI accredited third party to demonstrate compliance with this section. Any tests developed by

an independent ANSI accredited third party in accordance with this subdivision shall have no weight of authority under California statute.

(4) Notwithstanding paragraph (1), the department shall retain its independent authority in administering this article.

(h) This section shall become operative on January 1, 2010. The requirement described in subdivision (g) shall not be construed in any manner as to justify a delay in compliance with the lead-free standard set forth in subdivision (e).

Added Stats 2006 ch 853 § 2 (AB 1953), effective January 1, 2007, operative January 1, 2010; Amended Stats 2008 ch 580 § 2 (SB 1334), effective January 1, 2009, operative January 1, 2010.

Laws and Regulations
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Mobilehome Parks Act

Health and Safety Code

Appendix

Health and Safety Code
Elections Code

MOBILEHOME PARKS ACT

MOBILEHOME PARKS ACT

HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 2.1 MOBILEHOME PARKS ACT

Chapter 1 DEFINITIONS

§ 18200. Continuation of existing law

The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

Added Stats 1967 ch 1056 § 3.

§ 18201. "Approved"

"Approved" when used in connection with any material, appliance, or construction, means meeting the requirements for obtaining the approval of the department.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 111; Stats 1985 ch 210 § 1.

§ 18203. "Building standard"

"Building standard" means building standard as defined in Section 18909.

Added Stats 1979 ch 1152 § 112.

§ 18205. "Conditional permit"

"Conditional permit" means a construction, reconstruction, or operation permit issued by the enforcement agency which may prescribe conditions on the use or occupancy of a mobilehome park, subject to the provisions of this part.

Added Stats 1967 ch 1056 § 3. Amended Stats 1988 ch 799 § 2; Stats 2001 ch 434 § 3 (SB 325), operative January 1, 2004.

§ 18206. "Department"

"Department" is the Department of Housing and Community Development.

Added Stats 1967 ch 1056 § 3.

§ 18207. "Enforcement agency"

"Enforcement agency" is the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to Section 18300.

Added Stats 1967 ch 1056 § 3.

§ 18209. "Lease"

"Lease" is an oral or written contract for the use, possession, and occupation of property. It includes rent.

Added Stats 1967 ch 1056 § 3.

§ 18210. "Lot"

"Lot" means any area or tract of land or portion of a mobilehome park designated or used for the occupancy of one manufactured home, mobilehome, or recreational vehicle.

Added Stats 1967 ch 1056 § 3. Amended Stats 1972 ch 580 § 4; Stats 1983 ch 1076 § 94; Stats 1988 ch 799 § 3; Stats 2001 ch 434 § 5 (SB 325), operative January 1, 2004.

§ 18210.5. "Manufactured home"

"Manufactured home" as used in this part shall have the same meaning as defined in Section 18007.

Added Stats 1980 ch 1149 § 36. Amended Stats 1983 ch 1076 § 95; Stats 1990 ch 765 § 10 (AB 4079).

§ 18210.7. "Manufactured housing community"

(a) "Manufactured housing community" means any area or tract of land where two or more manufactured home lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, only to accommodate the use of manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 and following) or mobilehomes containing two or more dwelling units for human habitation. The rental paid for a manufactured home shall be deemed to include rental for the lot it occupies.

(b) Notwithstanding subdivision (a), an area or tract of land zoned for agricultural purposes where two or more manufactured home lots are rented or leased, held out for rent or lease, or provided as a term or condition of employment to accommodate manufactured homes or mobilehomes used for the purpose of housing 12 or fewer agricultural employees, shall not be deemed a manufactured housing community.

(c) Notwithstanding subdivision (a), an area or tract of land shall not be deemed a mobilehome park if the structures on it consist of residential structures that are rented or leased, or held out for rent or lease, if those residential structures meet both of the following requirements:

(1) The residential structures are manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 and following) or mobilehomes containing two or more dwelling units for human habitation.

(2) Those manufactured homes or mobilehomes have been approved by a city, county, or city and county pursuant to subdivision (d) of Section 17951 as an alternate for which the requirements are at least equivalent to the requirements prescribed in the California Building Standards Code or Part 1.5 (commencing with Section 17910) for performance, safety, and the protection of life and health.

Added Stats 2007 ch 596 § 6 (AB 382), effective January 1, 2008.

§ 18211. "Mobilehome"

"Mobilehome" as used in this part shall have the same meaning as defined in Section 18008.

Added Stats 1967 ch 1056 § 3. Amended Stats 1969 ch 799 § 3; Stats 1974 ch 646 § 1, ch 660 § 2; Stats 1975 ch 1248 § 3; Stats 1979 ch 194 § 4, ch 1160 § 4; Stats 1983 ch 1076 § 96; Stats 1990 ch 765 § 11 (AB 4079).

§ 18213. "Mobilehome accessory building or structure"

"Mobilehome accessory building or structure" is any awning, cabana, ramada, storage cabinet, storage building, private garage, carport, fence, windbreak or porch, or any residential building or structure established for the use of the occupant of a manufactured home, mobilehome, or recreational vehicle on a lot.

Added Stats 1967 ch 1056 § 3. Amended Stats 1983 ch 1076 § 98.

§ 18214. "Mobilehome park"

(a) "Mobilehome park" is any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation. The rental paid for a manufactured home, a mobilehome, or a recreational vehicle shall be deemed to include rental for the lot it occupies. This subdivision shall not be construed to authorize the rental of a mobilehome park space for the accommodation of a recreational vehicle in violation of Section 798.22 of the Civil Code.

(b) Notwithstanding subdivision (a), employee housing that has obtained a permit to operate pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000)) and that both meets the criteria of Section 17021.6 and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment shall not be deemed a mobilehome park for the purposes of the requirement to obtain an initial or annual permit to operate or pay any related fees required by this part.

(c) Notwithstanding subdivision (a), an area or tract of land shall not be deemed a mobilehome park if the structures on it consist of residential structures that are rented or leased, or held out for rent or lease, if those residential structures meet both of the following requirements:

(1) The residential structures are manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. Sec. 5401 et seq.) or mobilehomes containing two or more dwelling units for human habitation.

(2) Those manufactured homes or mobilehomes have been approved by a city, county, or city and county pursuant to subdivision (e) of Section 17951 as an alternate which is at least the equivalent to the requirements prescribed in the California Building Standards Code or Part 1.5 (commencing with Section 17910) in performance, safety, and for the protection of life and health.

Added Stats 1967 ch 1056 § 3. Amended Stats 1969 ch 1165 § 2; Stats 1970 ch 969 § 2; Stats 1976 ch 614 § 1; Stats 1983 ch 1076 § 99; Stats 1989 ch 721 § 1; Stats 1990 ch 812 § 3 (SB 1827); Stats 1993 ch 413 § 3 (AB 765), effective September 20, 1993; Stats 1994 ch 896 § 5 (AB 3735); Stats 2001 ch 434 § 6 (SB 325), effective January 1, 2004; Stats 2003 ch 814 § 5 (SB 306); Stats 2006 ch 520 § 2 (SB 1802), effective January 1, 2007; Stats 2011 ch 239 § 4 (SB 562), effective January 1, 2012.

§ 18214.1. "Park"

"Park" means any manufactured housing community or mobilehome park.

Added Stats 1988 ch 799 § 4. Amended Stats 1992 ch 938 § 2 (AB 1537); Stats 2001 ch 434 § 7 (SB 325), operative January 1, 2004.

§ 18214.2. "Multi–unit manufactured housing"

"Multi–unit manufactured housing," for the purposes of this part, has the same meaning as in Section 18008.7.

Added Stats 2001 ch 356 § 2 (AB 1318).

§ 18214.5. "Permanent building"

"Permanent building" means any permanent structure, other than factory–built housing, under the control and ownership of the mobilehome park owner or operator which is not on a lot.

Added Stats 1985 ch 210 § 2. Amended Stats 2001 ch 434 § 8 (SB 325), operative January 1, 2004.

§ 18214.6. "Plan checking agency"

"Plan checking agency" means a private entity employing at least one architect or engineer licensed by the state to perform the review of plans and specifications for the construction of mobilehome parks, including buildings and permanently constructed fixtures, utility systems, streets and other regulated facilities, for the purpose of determining compliance with the applicable provisions of this part and the regulations promulgated thereunder. The plan checking agency shall submit to the department a list of all personnel performing plan checking reviews, including the individual's name, California architect or engineer license number and expiration date, and a summary of qualifications.

Added Stats 1990 ch 812 § 4 (SB 1827).

§ 18215.5. "Recreational vehicle"

"Recreational vehicle" as used in this part has the same meaning as defined in Section 18010.

Added Stats 1968 ch 1066 § 9. Amended Stats 1970 ch 127 § 5; Stats 1974 ch 646 § 2, ch 660 § 3; Stats 1983 ch 1076 § 101; Stats 1984 ch 1144 § 1; Stats 1986 ch 1078 § 4, effective September 24, 1986, operative January 1, 1987; Stats 1990 ch 765 § 12 (AB 4079).

§ 18216. "Rent"

"Rent" is money or other consideration given for the right of use, possession, and occupation of property.

Added Stats 1967 ch 1056 § 3.

§ 18218. "Commercial modular"

"Commercial modular" as used in this part has the same meaning as defined in Section 18001.8.

Added Stats 1967 ch 1056 § 3. Amended Stats 1969 ch 799 § 4; Stats 1980 ch 1149 § 37; Stats 1990 ch 765 § 13 (AB 4079); Stats 2011 ch 239 § 5 (SB 562), effective January 1, 2012.

§ 18218.5. "Special purpose commercial modular"

"Special purpose commercial modular" as used in this part has the same meaning as defined in Section 18012.5.

Added Stats 1980 ch 1149 § 38. Amended Stats 1990 ch 765 § 14 (AB 4079); Stats 2011 ch 239 § 6 (SB 562), effective January 1, 2012.

Chapter 1.5 FINDINGS AND PURPOSES

§ 18250. Entitlements of residents as to living conditions

The Legislature finds and declares that increasing numbers of Californians live in manufactured homes and mobilehomes and that most of those living in such manufactured homes and mobilehomes reside in mobilehome parks. Because of the high cost of moving manufactured homes and mobilehomes, most owners of manufactured homes and mobilehomes reside within mobilehome parks for substantial periods of time. Because of the relatively permanent nature of residence in such parks and the substantial investment which a manufactured home or mobilehome represents, residents of mobilehome parks are entitled to live in conditions which assure their health, safety, general welfare, and a decent living environment, and which protect the investment of their manufactured homes and mobilehomes.

Added Stats 1977 ch 845 § 1. Amended Stats 1983 ch 1076 § 105.

§ 18251. Standards and requirements for mobilehome parks

The Legislature finds and declares that the standards and requirements established for construction, maintenance, occupancy, use, and design of mobilehome parks should guarantee park residents maximum protection of their investment and a decent living environment. At the same time, the standards and requirements should be flexible enough to accommodate new technologies and to allow designs that reduce costs and enhance the living environment of park residents.

Added Stats 1977 ch 845 § 1. Amended Stats 1988 ch 799 § 7; Stats 2001 ch 434 § 14 (SB 325), operative January 1, 2004.

§ 18252. Encouragement of new technologies in development of mobilehome parks

The Legislature finds and declares that the inclusion of specific standards within a statute often precludes the rapid and flexible action needed to correct substandard conditions, and that it is desirable to delete outdated requirements, and to add new and useful requirements designed to protect the health, safety, and general welfare of park residents or to encourage use of new technologies in the development of mobilehome parks.

Added Stats 1977 ch 845 § 1. Amended Stats 1988 ch 799 § 8; Stats 2001 ch 434 § 15 (SB 325), operative January 1, 2004.

§ 18253. Development of specific requirements

The Legislature finds and declares that the specific requirements relating to construction, maintenance, occupancy, use, and design of parks are best developed by the department in accordance with the criteria established by this part. Placing this responsibility with the department will allow for modifications of specific requirements in a rapid fashion and in a manner responsive to the needs of park residents and owners.

Added Stats 1977 ch 845 § 1. Amended Stats 1979 ch 1152 § 113; Stats 1983 ch 1076 § 106; Stats 1985 ch 210 § 3; Stats 1988 ch 799 § 9.

§ 18253.5. Ombudsman sign

(a) The department shall provide to each mobilehome park licensed to operate under this part a sign in large boldface print, with the name, address, and telephone number of the mobilehome ombudsman designated under Chapter 9 (commencing with Section 18150) of Part 2. The sign shall be posted by the management in the mobilehome park clubhouse or in another conspicuous public place within the mobilehome park.

(b)(1) The enforcement of the posting of the ombudsman sign required by subdivision (a) may be accomplished by telephonic or written communication, or by site inspection in response to a specific complaint concerning the posting of the sign, by site inspection in response to a combination of complaints concerning the posting of the sign and other alleged code violations, or pursuant to the mobilehome park inspection program set forth in Section 18400.1.

(2) This section does not require that enforcement of its provisions be accomplished by site inspection of every mobilehome park, or reissuance of a new ombudsman sign to every mobilehome park in the enforcement agency's jurisdiction to ensure that the ombudsman signs required by this section are posted.

(c) Notwithstanding any other provision of this part, a violation of this section is an infraction.

Added Stats 1996 ch 402 § 2 (SB 1594).

§ 18254. Purpose of provisions of part

(a) It is the purpose of this part to accomplish both of the following:

(1) Assure protection of the health, safety, and general welfare of all mobilehome park residents.

(2) Allow modifications in regulations adopted pursuant to this part in a manner consistent with the criteria established in this part.

(b) The regulations adopted by the department pursuant to the authority granted in this part shall provide equivalent or greater protection to residents of mobilehome parks than the statutes and regulations in effect prior to January 1, 1978.

Added Stats 1977 ch 845 § 1. Amended Stats 1979 ch 1152 § 114; Stats 1985 ch 210 § 4; Stats 1988 ch 799 § 10; Stats 2001 ch 434 § 16 (SB 325), operative January 1, 2004.

Chapter 2 APPLICATION AND SCOPE

§ 18300. Statewide application; General provisions; Enforcement; Powers of localities

(a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part. Except as provided in Section 18930, the department may adopt regulations to interpret and make specific this part and, when adopted, the regulations shall apply to all parts of the state.

(b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may assume the responsibility for the enforcement of both this part and Part 2.3 (commencing with Section 18860) and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860) following approval by the department for the assumption.

(c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations shall not set forth requirements for local agencies different than those that the state maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of parks within the jurisdiction of the city, county, or city and county.

(d)(1) In the event of nonenforcement of this part or the regulations adopted pursuant to this part by a city, county, or city and county, the department shall enforce both this part and Part 2.3 (commencing with Section 18860) and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860) in the city, county, or city and county, after the department has given written notice to the governing body of the city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and the city, county, or city and county has failed to initiate corrective measures to carry out its responsibility within 30 days of the notice.

(2) Where the department determines that the local enforcement agency is not properly enforcing this part or Part 2.3 (commencing with Section 18860), the local enforcement agency may appeal the decision to the director of the department.

(e)(1) Any city, city and county, or county may cancel its assumption of responsibility for the enforcement of both this part and Part 2.3 (commencing with Section 18860) by providing written notice of the cancellation to the department. The department shall assume responsibility within 90 days after receipt of the notice.

(2) Any local enforcement agency that relinquishes enforcement authority to the department shall remit to the department any fees collected pursuant to Section 18502 that have not been expended for purposes of this part, except that, for fees collected pursuant to subdivision (c) of that section, the local enforcement agency shall pay to the department a sum that is equal to the percentage of the year remaining before outstanding permits to operate expire. In addition, the local enforcement agency that relinquishes enforcement authority to the department shall remit to the department any fees collected pursuant to this part for permits to construct or for plan review, or both, for which a final approval of the construction has not yet been issued

(f) Every city, county, or city and county, within its jurisdiction, shall enforce this part and the regulations adopted pursuant to this part, as they relate to manufactured homes, mobilehomes, or recreational vehicles, and to accessory buildings or structures located in both of the following areas:

(1) Inside of parks while the city, county, or city and county has assumed responsibility for enforcement of both this part and Part 2.3 (commencing with Section 18860).

(2) Outside of parks.

(g) This part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers, from doing any of the following:

(1) From establishing, subject to the requirements of Sections 65852.3 and 65852.7 of the Government Code, certain zones for manufactured homes, mobilehomes, and mobilehome parks within the city, county, or city and county, or establishing types of uses and locations, including family mobilehome parks, senior mobilehome parks, mobilehome condominiums, mobilehome subdivisions, or mobilehome planned unit developments within the city, county, or city and county, as defined in the zoning ordinance, or from adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks.

(2) From regulating the construction and use of equipment and facilities located outside of a manufactured home or mobilehome used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when the facilities are located outside a park for which a permit is required by this part or the regulations adopted pursuant thereto.

(3) From requiring a permit to use a manufactured home or mobilehome outside a park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of manufactured homes and mobilehomes, which permit may be refused or revoked if the use violates this part or Part 2 (commencing with Section 18000), any regulations adopted pursuant thereto, or any local ordinance applicable to that use.

(4) From requiring a local building permit to construct an accessory structure for a manufactured home or mobilehome when the manufactured home or mobilehome is located outside a mobilehome park, under circumstances when this part or Part 2 (commencing with Section 18000) and the regulations adopted pursuant thereto do not require the issuance of a permit therefor by the department.

(5) From prescribing and enforcing setback and separation requirements governing the installation of a manufactured home, mobilehome, or mobilehome accessory structure or building installed outside of a mobilehome park.

(h)(1) A city, including a charter city, county, or city and county, shall not require the average density in a new park to be less than that permitted by the applicable zoning ordinance, plus any density bonus, as defined in Section 65915 of the Government Code, for other affordable housing forms.

(2) A city, including a charter city, county, or city and county, shall not require a new park to include a clubhouse. Recreational facilities, recreational areas, accessory structures, or improvements may be required only to the extent that the facilities or improvements are required in other types of residential developments containing a like number of residential dwelling units.

(3) A city, including a charter city, county, or city and county, shall not require the setback and separation requirements authorized by paragraph (5) of subdivision (g) to be greater than those permitted by applicable ordinances for other housing forms.

Added Stats 1967 ch 1056 § 3. Amended Stats 1968 ch 1066 § 13; Stats 1971 ch 986 § 1; Stats 1973 ch 640 § 1, ch 1103 § 6; Stats 1975 ch 803 § 7; Stats 1977 ch 788 § 1; Stats 1978 ch 553 § 1; Stats 1979 ch 1152 § 115; Stats 1980 ch 1142 § 2, operative July 1, 1981; Stats 1981 ch 974 § 3; Stats 1983 ch 1076 § 107; Stats 1985 ch 210 § 5; Stats 1986 ch 123 § 1; Stats 1988 ch 799 § 11; Stats 1990 ch 812 § 5 (SB 1827);

Stats 1991 ch 506 § 7 (SB 415); Stats 1993 ch 413 § 4 (AB 765), effective September 20, 1993; Stats 2001 ch 434 § 17 (SB 325), operative January 1, 2003; Stats 2003 ch 814 § 7 (SB 306), operative January 1, 2004, ch 815 § 1.5 (SB 54), operative July 1, 2005; Stats 2008 ch 138 § 2 (AB 2554), effective January 1, 2009.

§ 18300.1. Application for conditional use permit; Notice; Hearing

Any person may file an application with the governing body of any city, city and county, or county for a conditional use permit for a manufactured home, mobilehome, or park. The governing body, or the planning commission if designated by the governing body, shall hold a public hearing on any such application. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given at least two weeks before the hearing and shall be published at least once in a newspaper of general circulation, published and circulated in the city, city and county, or county, as the case may be. When any hearing is held on an application for a conditional use permit for a manufactured home, mobilehome, or park, a staff report with recommendations and the basis for such recommendations shall be included in the record of the hearing. The decision of the governing body shall be final and the reasons for the decision shall be included in the record.

Added Stats 1972 ch 828 § 1. Amended Stats 1983 ch 1076 § 109; Stats 1988 ch 799 § 12.

§ 18300.25. Application to mobilehome park that is also a special occupancy park

(a) The provisions of this part shall apply to any portion of a special occupancy park, as defined in Section 18862.43, that is also a mobilehome park, as defined in Section 18214. However, if a portion of a park is permanently dedicated to recreational vehicles, the provisions of Part 2.3 (commencing with Section 18860) apply in that portion of the park.

(b) The department shall not charge an owner of a park that is both a special occupancy park and a mobilehome park more than one annual operating permit fee pursuant to Sections 18502 and 18870.2.

Added Stats 2001 ch 434 § 19 (SB 325).

§ 18303. Exemption from applicability of part

This part does not apply to any park owned, operated, and maintained by any of the following:

(a) The federal government.

(b) The state.

(c) Any agency or political subdivision of the state.

(d) Any city, county, or city and county.

Added Stats 1967 ch 1056 § 3. Amended Stats 1983 ch 1076 § 111; Stats 1984 ch 1342 § 21, effective September 26, 1984, operative January 1, 1985; Stats 1988 ch 799 § 15; Stats 2001 ch 434 § 21 (SB 325), operative January 1, 2004.

§ 18304. Exemption of specified dwellings and utility facilities

(a) This part does not apply to any apartment house, hotel, or dwelling which is subject to the provisions of Part 1.5 (commencing with Section 17910) of this division.

(b) This part does not apply to electric, gas, or water facilities owned, operated, and maintained by a public utility.

Added Stats 1967 ch 1056 § 3. Amended Stats 1970 ch 969 § 3; Stats 1977 ch 845 § 3; Stats 1996 ch 799 § 12 (SB 1748).

§ 18305. Alternate arrangements; Proof of compliance

(a) This part is not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations adopted pursuant to this part, if the alternate used has been approved.

(b) The department may approve any alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent to that prescribed in this part and the rules and regulations adopted pursuant to this part in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant to this part, or in order to substantiate claims for alternates, the department may require proof of compliance to be made at the expense of the owner or his or her agent.

(d) The department shall notify the appropriate enforcement agency and plan checking agency of its findings.

(e) This section is not applicable to local regulations authorized by this part.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 117; Stats 1985 ch 210 § 8; Stats 1990 ch 812 § 6 (SB 1827).

§ 18306. Evaluation of enforcement and regulations

(a) The department shall evaluate the enforcement of this part and regulations adopted pursuant to this part by each city, county, or city and county which has assumed responsibility for enforcement.

(b) In performing this evaluation, the department shall have the following authority:

(1) To examine the records of local enforcement agencies and to secure from them reports and copies of their records at any time. However, if the department requires duplication of these records, it shall pay for the costs of duplication.

(2) To carry out any investigations it deems necessary to ensure enforcement of this part and the regulations adopted pursuant thereto.

Added Stats 1977 ch 788 § 2. Amended Stats 1979 ch 1152 § 118; Stats 1980 ch 1131 § 2; Stats 1985 ch 210 § 9.

§ 18307. Delegation of authority

(a) The department may delegate all or any portion of the authority to enforce this part and the regulations adopted pursuant to this part, or to enforce specific sections of this part or those regulations, to a local building department or health department of any city, county, or city and county, where the department is the enforcement agency, if all of the following conditions exist:

(1) The delegation of authority is necessary to provide prompt and effective recovery assistance or services during or immediately following a disaster declared by the Governor.

(2) The local building department or health department requests the authority and that request is approved by the governing body having jurisdiction over the local building department or health department.

(3) The department has determined that the local building department or health department possesses the knowledge and expertise necessary to administer the delegated responsibilities.

(b) The delegation of authority shall be limited to the time established by the department as necessary to adequately respond to the disaster, or the time period determined by the department, but in no case shall the period exceed 60 days. The delegation of authority may be limited to specific geographic areas or specific mobilehome parks or recreational vehicle parks at the sole discretion of the department.

(c) Local building departments and health departments acting pursuant to subdivision (a) may charge fees for services rendered, not to exceed the department's approved schedule of fees associated with the services provided. The department may also reimburse these local departments if funds are received for the activities undertaken pursuant to subdivision (a), but no obligation for reimbursement by the department shall accrue unless funds are allocated to the department for this purpose.

Added Stats 2000 ch 471 § 12 (AB 2008).

Chapter 3 ENFORCEMENT, ACTIONS AND PROCEEDINGS

§ 18400. Department powers; Entry for inspection

(a) The department shall enforce this part and the rules and regulations adopted pursuant to this part, except as provided in Section 18300.

(b) The officers or agents of the enforcement agency may do either of the following:

(1) Enter public or private property to determine whether there exists any park to which this part applies.

(2) Enter and inspect all parks, wherever situated, and inspect all accommodations, equipment, or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of this part and the regulations adopted pursuant to this part.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 119; Stats 1983 ch 1076 § 112; Stats 1985 ch 210 § 10; Stats 1988 ch 799 § 16.

§ 18400.1. (Repealed January 1, 2019**) Entry and inspection of mobilehome parks**

(a) In accordance with subdivision (b), the enforcement agency shall enter and inspect mobilehome parks, as required under this part, with a goal of inspecting at least 5 percent of the parks per year, to ensure enforcement of this part and the regulations adopted pursuant to this part. The enforcement agency's inspection shall include an inspection of the exterior portions of individual manufactured homes and mobilehomes in each park inspected. Any notices of violation of this part shall be issued pursuant to Chapter 3.5 (commencing with Section 18420).

(b) In developing its mobilehome park maintenance inspection program, the enforcement agency shall inspect the mobilehome parks that the enforcement agency determines have complaints that have been made to the enforcement agency regarding serious health and safety violations in the park. A single complaint of a serious health and safety violation shall not automatically trigger an inspection of the entire park unless upon investigation of that single complaint the enforcement agency determines that there is a violation and that an inspection of the entire park is necessary.

(c) This part does not allow the enforcement agency to issue a notice for a violation of existing laws or regulations that were not violations of the laws or regulations at the time the mobilehome park received its original permit to operate, or the standards governing any subsequent permit to construct, or at the time the manufactured home or mobilehome received its original installation permit, unless the enforcement agency determines that a condition of the park, manufactured home, or mobilehome endangers the life, limb, health, or safety of the public or occupants thereof.

(d) Not less than 30 days prior to the inspection of a mobilehome park under this section, the enforcement agency shall provide individual written notice of the inspection to the registered owners of the manufactured homes or mobilehomes, with a copy of the notice to the occupants thereof, if different than the registered owners, and to the owner or operator of the mobilehome park and the responsible person, as defined in Section 18603.

(e) At the sole discretion of the enforcement agency's inspector, a representative of either the park operator or the mobilehome owners may accompany the inspector during the inspection if that request is made to the enforcement agency or the inspector requests a representative to accompany him or her. If either party requests permission to accompany the inspector or is requested by the inspector to accompany him or her, the other party shall also be given the opportunity, with reasonable notice, to accompany the inspector. Only one representative of the park owner and one representative of the mobilehome owners in the park may accompany the inspector at any one time during the inspection. If more than one representative of the mobilehome owners in the park requests permission to accompany the inspector, the enforcement agency may adopt procedures for choosing that representative.

(f) The enforcement agency shall coordinate a preinspection orientation for mobilehome owners and mobilehome park operators with the use of an audiovisual presentation furnished by the department to affected local enforcement agencies. Enforcement agencies shall furnish the audiovisual presentation to park operators and mobilehome owner representatives in each park subject to inspection not less than 30 days prior to the inspection. Additionally, it is the Legislature's intent that the department shall, where practicable, conduct live presentations, forums, and outreach programs throughout the state to orient mobilehome owners and park operators on the mobilehome park maintenance inspection program and their rights and obligations under the program.

(g) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

Added Stats 1990 ch 1175 § 1 (AB 925). Amended Stats 1991 ch 1072 § 1 (AB 423), effective October 14, 1991; Stats 1992 ch 345 § 1(AB 2352), operative July 1, 1993; Stats 1994 ch 674 § 1 (SB 1663); Stats 1998 ch 773 § 1 (SB 485); Stats 1999 ch 520 § 2 (SB 700), effective September 27, 1999, operative January 1, 2000, operative until January 1, 2007; Stats 2001 ch 745 § 129 (SB 1191), effective October 12, 2001, repealed January 1, 2007; Stats 2006 ch 644 §1 (SB 1231), ch 858 § 1.5 (AB 2250), effective January 1, 2007, repealed January 1, 2012; Stats 2008 ch 138 § 3 (AB 2554), effective January 1, 2009, repealed January 1, 2012; Stats 2010 ch 314 § 1 (SB 951), effective January 1, 2010, repealed January 1, 2019.

§ 18400.2. Maintenance of park records

Enforcement agencies responsible for the enforcement of this part and the regulations adopted pursuant to this part shall maintain all records on file of mobilehome park inspections conducted since January 1, 1991.

Added Stats 1999 ch 520 § 3 (SB 700), effective September 27, 1999, operative January 1, 2000.

§ 18400.3. Task force to provide input on program

(a) The department shall convene a task force of representatives of mobilehome owners, mobilehome park operators, local enforcement agencies that conduct mobilehome park inspections, and the Legislature, every six months, to provide input to the department on the conduct and operation of the mobilehome park maintenance inspection program, including, but not limited to, frequency of inspection, program information, and recommendations for program changes. The department shall submit a written report to the task force semiannually that shall include, but not be limited to, all of the following:

(1) The amount of fees collected and expended for the inspection program.

(2) The number of parks and spaces that were inspected.

(3) The number of violations issued to mobilehome owners.

(4) The number of violations issued to mobilehome park owners.

(5) The number of violations reported pursuant to paragraphs (3) and (4) that have been corrected, the number of violations that remain uncorrected at the end of the reporting period, and the progress in correcting the uncorrected violations.

(6) The most common park violations and the most common homeowner violations.

(7) Recommendations for statutory or administrative changes to the program.

(b) The Senate Committee on Rules and the Assembly Committee on Rules shall each designate a member of its respective house to be a member of the task force. Each legislative member of the task force may designate an alternate to represent him or her at task force meetings.

(c) With the input of the task force, the department may reorganize violations under this part and the regulations adopted pursuant to this part into the following two categories:

(1) Those constituting imminent hazards representing an immediate risk to life, health, and safety and requiring immediate correction.

(2) Those constituting unreasonable risk to life, health, or safety and requiring correction within 60 days.

(d) Any matter that would have constituted a violation prior to January 1, 2000, that is not categorized in accordance with subdivision (c) on or after January 1, 2000, shall be of a minor or technical nature and shall not be subject to citation or notation on the record of an inspection conducted on or after January 1, 2000.

Added Stats 1999 ch 520 § 4 (SB 700), effective September 27, 1999. Amended Stats 2005 ch 595 § 12 (SB 253), effective January 1, 2006; Stats 2006 ch 644 § 2 (SB 1231), ch 858 § 2.5 (AB 2250), effective January 1, 2007; Stats 2010 ch 314 § 2 (SB 951).

§ 18400.4. "Mobilehome owner"

For purposes of this chapter, "mobilehome owner" or "mobilehome owners" means the occupant of the manufactured home or mobilehome, or the registered owner of the manufactured home or mobilehome, if different from the occupant.

Added Stats 1999 ch 520 § 5 (SB 700), effective September 27, 1999, operative January 1, 2000.

§ 18401. Notice of violation to appropriate persons

Any notice of violation of this part, or any rule or regulation adopted pursuant thereto, issued by the enforcement agency shall be issued to the appropriate persons designated in Section 18420 and shall include a statement that any willful violation is a misdemeanor under Section 18700.

Added Stats 1992 ch 345 § 3 (AB 2352), operative July 1, 1993.

§ 18402. Abatement of nuisances; Civil action

The owner or operator of a park shall abate any nuisance in the park within five days, or within a longer period of time as may be allowed by the enforcement agency, after the owner or operator of a park has been given written notice to remove the nuisance. If the owner or operator of a park fails to do so within that time, the district attorney of the county in which the park, or the greater portion of the park, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California. In addition to the district attorney, the Attorney General, a county counsel of the county in which the park, or the greater portion of the park, is situated, or a city attorney or city prosecutor if the park is located within the jurisdiction of a city, may bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

Added Stats 1967 ch 1056 § 3. Amended Stats 1988 ch 799 § 18; Stats 2002 ch 141 § 2 (AB 2382).

§ 18403. Sufficiency of proof for order of abatement

In any action or proceeding to abate a nuisance in a park, proof of any one of the following facts is sufficient for a judgment or order for the abatement of the nuisance, violation, or operation of the park:

(a) A previous conviction of the owner or operator of a violation of this part or a regulation adopted pursuant to this part which constitutes a nuisance or failure on the part of the owner or operator to correct the violation after the conviction.

(b) The violation is the basis for the proceeding.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 121; Stats 1985 ch 210 § 12; Stats 1988 ch 799 § 19.

§ 18404. Violations of provisions or regulations

(a) If any park or portion thereof governed by this part is constructed, altered, converted, used, occupied, or maintained in violation of this part, the regulations adopted pursuant to this part, or any order or notice issued by the enforcement agency which allows a reasonable time to correct the violation, the enforcement agency may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation.

(b) The superior court may make any order for which application is made pursuant to this part.

Added Stats 1971 ch 1738 § 1. Amended Stats 1979 ch 1152 § 122; Stats 1985 ch 210 § 13; Stats 1988 ch 799 § 20.

§ 18406. Parks fronting shorelines and other specified waterways; Designation of public access routes

No enforcement agency shall approve any park fronting upon any coastline, shoreline, river, or waterway or upon any lake or reservoir owned in whole or part by any public agency, including the state, unless the city, county, or city and county having jurisdiction over the property has determined that reasonable public access by fee or easement from public highways exists to the coastline, shoreline, river, waterway, lake or reservoir.

Any public access route or routes required to be provided by the owner shall be expressly designated on a map filed with the county recorder of the county in which the park lies, and the map shall specify the name of the owner of, and particularly describe the property involved, and designate the governmental entity to which the route or routes are dedicated. A governmental entity shall accept the dedication within three years after the recordation or the dedication shall be deemed abandoned.

Any public access required pursuant to this section need not be provided through or across the park if the city, county, or city and county having jurisdiction has made a finding that reasonable public access is otherwise available within a reasonable distance from the park. Any such findings shall be set forth on the recorded map required by this section.

Nothing in this section shall be construed as requiring a park owner to improve any access route or routes which are primarily for the benefit of nonresidents of the park.

Added Stats 1972 ch 927 § 1. Amended Stats 1988 ch 799 § 21.

§ 18407. Advance notice to complainant of inspection of complaint

The Legislature finds and declares that, because the health and safety of mobilehome park occupants is a matter of public interest and concern, it is necessary, pursuant to a complaint about a violation of this part to the enforcement agency, that the enforcement agency should notify the complainant in advance of the date when the agency's inspector or representative is scheduled to investigate the complaint, to give the complainant an opportunity to be present to

speak to the inspector or representative, and that following an inspection of the complaint, the agency contact the complainant to advise him or her of the inspector's or representative's findings concerning the complaint.

Added Stats 2003 ch 815 § 2 (SB 54).

Chapter 3.5 NOTICE OF VIOLATIONS

§ 18420. (Repealed January 1, 2019) Issuance of notice to correct violation

(a)(1) If, upon inspection, the enforcement agency determines that a mobile-home park is in violation of any provision of this part, or any rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the owner or operator of the mobilehome park and to the responsible person, as defined in Section 18603.

(2) In the event of a violation that constitutes an imminent threat to health and safety, the notice of violation shall be issued immediately and served on the owner or operator of the mobilehome park and to the responsible person, as defined in Section 18603.

(3) The owner or operator of the mobilehome park shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(b)(1) If, upon inspection, the enforcement agency determines that a manufactured home, mobilehome, an accessory building or structure, or lot is in violation of any provision of Chapter 4 (commencing with Section 18500), Chapter 5 (commencing with Section 18601), Chapter 6 (commencing with Section 18690), or any rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the registered owner of the manufactured home or mobilehome, with a copy to the occupant thereof, if different from the registered owner.

(2) In the event a violation is discovered that constitutes an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, the notice of violation shall be issued immediately and served upon the occupant, with a copy mailed to the registered owner of the manufactured home or mobilehome, if different from the occupant, to the owner or operator of the mobilehome park, and to the responsible person, as defined in Section 18603.

(3) The registered owner of the manufactured home or mobilehome shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(4) The enforcement agency may issue a notice of violation in accordance with this chapter to the owner of a recreational vehicle, or of factory–built housing, which occupies a lot within a mobilehome park.

(c)(1) Service of the notice of violation shall be effected either personally or by first–class mail. Each notice of violation shall be in writing and shall describe with particularity the nature of the violation in as clear language as the technicality of the violation will allow the average layperson to understand what is being cited, including a reference to the statutory provisions or regulation alleged to have been violated, as well as any penalty provided by law for failure to make timely correction.

(2) The department shall develop a list of local agencies that have home rehabilitation or repair programs for which registered owners or occupants of manufactured homes and mobilehomes residing in mobilehome parks may be eligible. The list shall be provided to registered owners or occupants who receive notices of violation and who reside in those jurisdictions that have rehabilitation or repair programs for which they may be eligible.

(3) For violations other than imminent threats to health and safety as provided in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b), the notice of violation shall allow 60 days from the postmarked date of the notice or date of personal delivery for the elimination of the condition constituting the alleged violation.

(4) If after the reinspection of a violation described in paragraph (3) of this subdivision, the enforcement agency determines that there is a valid reason why a violation has not been corrected, including, but not limited to, weather conditions, illness, availability of repair persons, or availability of financial resources, the enforcement agency may extend the time for correction, at its discretion, for 30 days or an additional reasonable period of time after the 60–day period.

(5) Upon a reinspection after the 60–day period of a violation described in paragraph (3) of this subdivision, if a second notice to correct a violation that is the responsibility of the registered owner of the manufactured home or mobilehome pursuant to paragraph (1) of subdivision (b) is issued to the registered owner of a manufactured home or mobilehome, with a copy to the occupant thereof, if different from the registered owner, a copy of the notice shall also be provided to the owner or operator of the mobilehome park, and to the responsible person, as defined in Section 18603. Upon a reinspection after the 60–day period of a violation described in paragraph (3) of this subdivision, if a second notice to correct a mobilehome park violation pursuant to paragraph (1) of subdivision (a) is issued to the owner or operator of the mobilehome park and to the responsible person, as defined in Section 18603, the enforcement agency shall post a copy of the violation in a conspicuous place in the mobilehome park common area, and the posted notice shall only be removed by the enforcement agency when the violation is corrected.

(6) All violations described in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b) shall be corrected within a reasonable time as determined by the enforcement agency. Notices of those violations shall state the time determined by the enforcement agency within which corrections must be made.

(d) Notwithstanding any other provision of law, the enforcement agency may, at its sole discretion, determine not to issue a notice of violation pursuant to this chapter if the condition which violates this part or the regulations adopted pursuant thereto does not constitute an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction. If the enforcement agency determines, pursuant to this subdivision, not to issue a notice of violation, the enforcement agency shall include in its inspection report a description of the condition which violates this part and its determination not to issue a notice of violation.

Added Stats 1990 ch 1175 § 2 (AB 925). Amended Stats 1991 ch 1072 § 3 (AB 423), effective October 14, 1991; Stats 1993 ch 589 § 96; Stats 1999 ch 520 § 6 (SB 700), effective September 27, 1999, operative January 1, 2000; Stats 2004 ch 622 § 2 (SB 1176); Stats 2010 ch 314 § 3 (SB 951).

§ 18421. (Operative until January 1, 2019) Informal conference with enforcement agency to dispute violation

If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request an informal conference with the enforcement agency. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

Added Stats 1990 ch 1175 § 2 (AB 925). Amended Stats 1991 ch 1072 § 4 (AB 423), effective October 14, 1991; Stats 1993 ch 589 § 97; Stats 2010 ch 314 § 3 (SB 951).

§ 18423. (Operative until January 1, 2019) Remedies as cumulative

The remedies provided by this chapter are cumulative, and shall not be construed to supersede other provisions of law providing sanctions for violators of this part, including, but not limited to, Sections 18510 and 18700. Nothing in this chapter shall be construed to restrict any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

Added Stats 1990 ch 1175 § 2 (AB 925); Stats 2010 ch 314 § 3 (SB 951).

§ 18424. (Repealed January 1, 2019) Repeal of chapter

This chapter shall remain in effect only until January 1 **2019**, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, **2019**, deletes or extends that date.

Added Stats 1990 ch 1175 § 2 (AB 925). Amended Stats 1996 ch 677 § 3 (SB 1704); Stats 1998 ch 773 § 2 (SB 485); Stats 1999 ch 520 § 7 (SB 700), effective September 27, 1999, operative January 1, 2000, operative until January 1, 2007; Stats 2006 ch 644 § 3 (SB 1231), ch 858 § 3 (AB 2250), effective January 1, 2007, repealed January 1, 2012; Stats 2010 ch 314 § 3 (SB 951).

Chapter 4 PERMITS AND FEES

§ 18500. Necessity for permit; Inapplicability to labor camp

It is unlawful for any person to do any of the following unless he or she has a valid permit issued by the enforcement agency:

(a) Construct a park.

(b) Construct additional buildings or lots, alter buildings, lots, or other installations, in an existing park.

(c) Operate, occupy, rent, lease, sublease, let out, or hire out for occupancy any lot in a park that has been constructed, reconstructed, or altered without having obtained a permit as required herein.

(d) Operate a park or any portion thereof.

This section shall not apply to any labor camp having a valid annual permit to operate.

Added Stats 1967 ch 1056 § 3. Amended Stats 1977 ch 845 § 5; Stats 1988 ch 799 § 22.

§ 18500.5. Exemption of owner of manufactured home or mobilehome who owns land on which it is located

Notwithstanding Section 18500, the owner of one manufactured home or mobilehome who is also the owner of the land upon which the manufactured home or mobilehome is located shall be able to rent, lease, sublease, let out, or hire out for occupancy the manufactured home or mobilehome and the land upon which the manufactured home or mobilehome is located without qualifying for or obtaining any permit or license from a state or local governmental agency required or authorized by this part.

Added Stats 1975 ch 152 § 1. Amended Stats 1983 ch 1076 § 114.

§ 18500.6. Exemption of owner who is not mobilehome park operator

Notwithstanding Section 18500, the owner of a manufactured home or mobilehome who is not a mobilehome park operator and who rents or leases the land upon which the manufactured home or mobilehome is located shall be able to rent, lease, sublease, let out, or hire out for occupancy the manufactured home or mobilehome and the land upon which the manufactured home or mobilehome is located, subject to lawful covenants and conditions of the lease or rental agreement governing the underlying ground upon which the manufactured home or mobilehome is located, without qualifying for or obtaining any permit or license from a state or local governmental agency required or authorized by this part.

Added Stats 1975 ch 307 § 1. Amended Stats 1983 ch 1076 § 115.

§ 18501. Contents of application; Fees

Applications for a permit to construct or reconstruct shall be accompanied by:

(a) A description of the grounds.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage and method of sewage disposal.

(d) Appropriate fees.

(e) Evidence of compliance with all valid local planning, health, utility and fire requirements.

Added Stats 1967 ch 1056 § 3.

§ 18502. (First of two; Repealed January 1, 2019) Fees for permits

Fees as applicable shall be submitted for permits, as follows:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars ($10).

(c)(1) An annual operating permit fee of one hundred forty dollars ($140) and an additional seven dollars ($7) per lot.

(2) An additional annual fee of four dollars ($4) per lot shall be paid to the department or the local enforcement agency, as appropriate, at the time of payment of the annual operating fee. All revenues derived from this fee shall be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)) and any regulations adopted pursuant to the act.

(3) The Legislature hereby finds and declares that the health and safety of mobilehome park occupants are matters of public interest and concern and that the fee paid pursuant to paragraph (2) shall be used exclusively for the inspection of mobilehome parks and mobilehomes to ensure that the living conditions of mobilehome park occupants meet the health and safety standards of this part and the regulations adopted pursuant thereto. Therefore, notwithstanding any other law or local ordinance, rule, regulation, or initiative measure to the contrary, the holder of the permit to operate the mobilehome park shall be entitled to directly charge one-half of the per lot additional annual fee specified herein to each homeowner, as defined in Section 798.9 of the Civil Code. In that event, the holder of the permit to operate the mobilehome park shall be entitled to directly charge each homeowner for one-half of the per lot additional annual fee at the next billing for the rent and other charges immediately following the payment of the additional fee to the department or local enforcement agency.

(d) Change in name fee or transfer of ownership or possession fee of ten dollars ($10).

(e) Duplicate permit fee or amended permit fee of ten dollars ($10).

(f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

Added Stats 2009 ch 341 § 8 (SB 73), effective January 1, 2010, repealed January 1, 2012; Stats 2010 ch 314 § 3 (SB 951), effective January 1, 2010, repealed January 1, 2019.

§ 18502. (Second of two; Operative January 1, 2019) Fees for permits

Fees as applicable shall be submitted for permits, as follows:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars ($10).

(c) An annual operating permit fee of one hundred forty dollars ($140) and an additional seven dollars ($7) per lot.

(d) Change in name fee or transfer of ownership or possession fee of ten dollars ($10).

(e) Duplicate permit fee or amended permit fee of ten dollars ($10).

(f) This section shall become operative on January 1, 2019.

Added Stats 2009 ch 341 § 10 (SB 73), effective January 1, 2010, operative January 1, 2012; Stats 2010 ch 314 § 5 (SB 951), effective January 1, 2019.

§ 18502.5. Mobilehome Parks and Special Occupancy Parks Revolving Fund

(a) There is hereby established in the State Treasury the Mobilehome Parks and Special Occupancy Parks Revolving Fund into which funds collected by the department pursuant to this part and Part 2.3 (commencing with Section 18860) shall be deposited. Moneys deposited in the fund shall be available, upon appropriation, to the department for expenditure in carrying out the provisions of this part and Part 2.3 (commencing with Section 18860). The department shall by January 1, 2003, establish procedures that permit the identification of revenues received by the fund and expenditures paid out of the fund as they relate to mobilehome parks and special occupancy parks.

(b) Notwithstanding any maximum fees set by this part, the department may, by regulation, set fees charged by the department for all permits and for the department's activities mandated by this part. The fees shall be set with the primary objective that the aggregate revenue deposited in the Mobilehome Parks and Special Occupancy Parks Revolving Fund by or on behalf of mobilehome parks and special occupancy parks shall not, on an annual basis, exceed the costs of the department's activities mandated by this part, and the aggregate amount deposited into the fund by or on behalf of recreational vehicle parks shall not, on an annual basis, exceed the costs of the department's activities mandated by Part 2.3 (commencing with Section 18860).

(c) No proposed increase in fees may be effective any sooner than 45 days after written notification thereof is provided to the Chairperson of the Joint Legislative Audit Committee and the State Auditor. Upon receipt of the notification, the State Auditor may prepare a report to the Legislature that indicates whether the proposed increase is appropriate and consistent with this part.

(d) The total money contained in the Mobilehome Parks and Special Occupancy Parks Revolving Fund on June 30 of each fiscal year shall not exceed the amount of money needed for the department's operating expenses for one year for the enforcement of this part and Part 2.3 (commencing with Section 18860). If the total money contained in the fund exceeds this amount, the department shall make appropriate reductions in the schedule of fees authorized by this section, Section 18870.3, or both.

Added Stats 1983 ch 195 § 3, effective July 12, 1983, operative January 1, 1984. Amended Stats 2001 ch 434 § 23 (SB 325), operative January 1, 2004.

§ 18503. Schedule of fees for specified permits

The department by administrative rule and regulation shall establish a schedule of fees relating to all construction, mechanical, electrical, plumbing, and installation permits. The fees shall apply to and be paid to the enforcement agency. Fees established for construction, mechanical, electrical, and plumbing permits shall be reasonably consistent with the current edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, and the National Electrical Code as published by the National Fire Protection Association.

Added Stats 1967 ch 1056 § 3. Amended Stats 1973 ch 98 § 2, effective June 19, 1973; Stats 1974 ch 545 § 70; Stats 1983 ch 1076 § 117; Stats 1984 ch 386 § 2; Stats 2001 ch 434 § 24 (SB 325), operative January 1, 2004.

§ 18504. Double fees for violators

Any person responsible for obtaining any of the permits required by this chapter, Chapter 5 (commencing with Section 18600), or the regulations adopted pursuant to either of these chapters, who fails to obtain those permits, shall pay double the fees prescribed in this chapter, Chapter 5 (commencing with Section 18600), or the regulations adopted pursuant to either of these chapters, as applicable.

Added Stats 1967 ch 1056 § 3. Amended Stats 1968 ch 658 § 1; Stats 1985 ch 210 § 14; Stats 1991 ch 506 § 9 (SB 415).

§ 18505. Issuance of operating permit

A permit to operate shall be issued by the department following notification by the local enforcement agency of completion of construction of a new park or additional lots to an existing park. The local enforcement agency shall, by approving the application for a permit to operate, authorize occupancy of the newly constructed facilities. Upon approval by the local enforcement agency, one copy of the permit application shall be provided to the applicant and one copy shall be forwarded to the department.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 123; Stats 1980 ch 1131 § 4; Stats 1988 ch 799 § 23.

§ 18506. Permit issuance; Method and schedule; Notice of certain laws required; Penalty for late application

A permit to operate shall be issued by the enforcement agency. A copy of each permit to operate shall be forwarded to the department. A permit to operate shall not be issued for a park when the previous operating permit has been suspended by the enforcement agency until the violations which were the basis for the suspension have been corrected. Any park which was in existence on September 15, 1961, shall not be denied a permit to operate if the park complied with the law which this part supersedes. A permit to operate shall be issued for a 12-month period and invoiced according to a method and schedule established by the department. The invoice shall provide notice of the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code) and the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2

of Part 2 of Division 2 of the Civil Code), as applicable to the park. Any permit application returned to the enforcement agency 30 days after the due date shall be subject to a penalty fee equal to 10 percent of the established fee. The penalty fee for submitting a permit application 60 or more days after the due date shall equal 100 percent of the established permit fee. The penalty and the established permit fee shall be paid prior to issuance of the permit, and the fee and 100 percent penalty shall be due upon demand of the enforcement agency for any park which has not applied for a permit.

Added Stats 1967 ch 1056 § 3. Amended Stats 1984 ch 386 § 3; Stats 1985 ch 210 § 15; Stats 1988 ch 799 § 24; Stats 2012 ch 307 § 1 (SB 149), effective January 1, 2013.

§ 18507. Change of name or ownership; Notice; Fees

(a) The enforcement agency shall be notified by the new owner or operator of any park of any change in the name or ownership or possession thereof. The notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by the appropriate fees to the enforcement agency. Following receipt of the notice and fee, the enforcement agency shall record the change of ownership or possession and shall issue an amended permit to operate, except as provided in Section 18506.

(b) In case of any change in name or transfer of ownership or possession prior to completion of construction, no additional fee for a construction permit is required, provided the new owner completes construction in accordance with prior enforcement agency approved plans and specifications. However, if there is any substantial deviation from the approved plans and specifications, a new application for a permit to construct shall be submitted, accompanied by revised plans and specifications and the appropriate fees.

Added Stats 1967 ch 1056 § 3. Amended Stats 1973 ch 490 § 1; Stats 1988 ch 799 § 25.

§ 18508. Posting of permits

Permits for construction and operation shall be posted in a conspicuous place.

Added Stats 1967 ch 1056 § 3.

§ 18509. Expiration of construction and reconstruction permits

All permits as required in this chapter for construction or reconstruction shall automatically expire within six months from the date of issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the enforcement agency may extend expiration date of said permit for a reasonable time.

Added Stats 1967 ch 1056 § 3.

§ 18510. Suspension of operating permits

If any person who holds a permit to operate violates the permit or this part, the permit may be suspended by the enforcement agency. This section does not, however, authorize the suspension of a permit of any park existing on September 15, 1961, for any violation of this part which was not a violation of the law which this part supersedes.

Added Stats 1967 ch 1056 § 3. Amended Stats 1985 ch 210 § 16; Stats 1988 ch 799 § 26.

§ 18511. Notice of violation

The enforcement agency shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit or this code have been violated, and shall notify him that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

Added Stats 1967 ch 1056 § 3.

§ 18512. Service of notice

The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

Added Stats 1967 ch 1056 § 3.

§ 18513. Petition for hearing

Any permittee receiving a notice issued pursuant to Section 18511 may request and shall be granted a hearing on the matter before an authorized representative of the enforcement agency. The permittee shall file with the enforcement agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days of the date of mailing of such notice.

Added Stats 1967 ch 1056 § 3. Amended Stats 1974 ch 660 § 4.

§ 18514. Notice of hearing; Opportunity to be heard

Upon receipt of such petition the enforcement agency shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause, if any, why such notice should be modified or withdrawn.

Added Stats 1967 ch 1056 § 3.

§ 18515. Time for hearing; Postponement

Such hearing shall be commenced not later than 10 days after the day on which such petition was filed. Upon application of the petitioner the enforcement agency may, however, postpone the date of such hearing for a reasonable time beyond such 10–day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

Added Stats 1967 ch 1056 § 3.

§ 18516. Sustaining, modifying, or withdrawing notice of suspension

After such hearing the enforcement agency shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this part have been complied with.

Added Stats 1967 ch 1056 § 3.

§ 18517. Failure to comply with notice of suspension

If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the enforcement agency may suspend the permit.

Added Stats 1967 ch 1056 § 3.

§ 18518. Reinstatement or issuance of new permit

Upon compliance by the permittee with the provisions of this part and of the notice, and submission of proof thereof to the enforcement agency, the enforcement agency shall reinstate the permit or issue a new permit.

Added Stats 1967 ch 1056 § 3.

Chapter 5 REGULATIONS

Article 1 General Provisions

§ 18550. Unlawful use

It is unlawful for any person to use or cause, or permit to be used for occupancy, any of the following manufactured homes or mobilehomes wherever the manufactured homes or mobilehomes are located, or recreational vehicles located in mobilehome parks:

(a) Any manufactured home, mobilehome, or recreational vehicle supplied with fuel, gas, water, electricity, or sewage connections, unless the connections and installations conform to regulations of the department.

(b) Any manufactured home, mobilehome, or recreational vehicle that is permanently attached with underpinning or foundation to the ground, except for a manufactured home or mobilehome bearing a department insignia or federal label, that is installed in accordance with this part.

(c) Any manufactured home or mobilehome that does not conform to the registration requirements of the department.

(d) Any manufactured home, mobilehome, or recreational vehicle in an unsafe or unsanitary condition.

(e) Any manufactured home, mobilehome, or recreational vehicle that is structurally unsound and does not protect its occupants against the elements.

Added Stats 1973 ch 1103 § 7. Amended Stats 1975 ch 803 § 7; Stats 1976 ch 107 § 1; Stats 1977 ch 845 § 7; Stats 1979 ch 194 § 5, ch 1160 § 5; Stats 1980 ch 1149 § 39; Stats 1983 ch 1076 § 118; Stats 1988 ch 799 § 27; Stats 1997 ch 423 § 2 (SB 259); Stats 2001 ch 434 § 25 (SB 325), operative January 1, 2004.

§ 18550.5. Removal of towbar, wheels, wheel hubs, or axles; Manufacturer's delivery without same

(a) An owner of a manufactured home or mobilehome may remove or cause to be removed the towbar, wheels, wheel hubs, or axles from a manufactured home or mobilehome.

(b) A dealer may remove the towbar, wheels, wheel hubs, or axles from a manufactured home or mobilehome only if such act is in accordance with the purchase document and subdivision (a) of Section 18035.3.

(c) A manufacturer may deliver a manufactured home or mobilehome to a dealer without the towbar, wheels, wheel hubs, or axles or may remove or cause those items to be removed if the manufacturer complies with the provisions of Section 18032.

Added Stats 1979 ch 1160 § 6. Amended Stats 1983 ch 1076 § 119; Stats 1985 ch 763 § 8.

§ 18551. Foundation systems; Installation as fixture or improvement; Installation as chattel

The department shall establish regulations for manufactured home, mobilehome, and commercial modular foundation systems that shall be applicable throughout the state. When established, these regulations supersede any ordinance enacted by any city, county, or city and county applicable to manufactured home, mobilehome, and commercial modular foundation systems. The department may approve alternate foundation systems to those provided by regulation where the department is satisfied of equivalent performance. The department shall document approval of alternate systems by its stamp of approval on the plans and specifications for the alternate foundation system. A manufactured home, mobilehome, or commercial modular may be installed on a foundation system as either a fixture or improvement to the real property, in accordance with subdivision (a), or a manufactured home or mobilehome may be installed on a foundation system as a chattel, in accordance with subdivision (b).

(a) Installation of a manufactured home, mobilehome, or commercial modular as a fixture or improvement to the real property shall comply with all of the following:

(1) Prior to installation of a manufactured home, mobilehome, or commercial modular on a foundation system, the manufactured home, mobilehome, or commercial modular owner or a licensed contractor shall obtain a building permit from the appropriate enforcement agency. To obtain a permit, the owner or contractor shall provide the following:

(A) Written evidence acceptable to the enforcement agency that the manufactured home, mobilehome, or commercial modular owner owns, holds title to, or is purchasing the real property where the mobilehome is to be installed on a foundation system. A lease held by the manufactured home, mobilehome, or commercial modular owner, that is transferable, for the exclusive use of the real property where the manufactured home, mobilehome, or commercial modular is to be installed, shall be deemed to comply with this paragraph if the lease is for a term of 35 years or more, or if less than 35 years, for a term mutually agreed upon by the lessor and lessee, and the term of the lease is not revocable at the discretion of the lessor except for cause, as described in subdivisions 2 to 5, inclusive, of Section 1161 of the Code of Civil Procedure.

(B) Written evidence acceptable to the enforcement agency that the registered owner owns the manufactured home, mobilehome, or commercial modular free of any liens or encumbrances or, in the event that the legal owner is not the registered owner, or liens and encumbrances exist on the manufactured home, mobilehome, or commercial modular, written evidence provided by the legal owner and any lienors or encumbrancers that the legal owner, lienor, or encumbrancer consents to the attachment of the manufactured home, mobilehome, or commercial modular upon the discharge of any personal lien, that may be conditioned upon the satisfaction by the registered owner of the obligation secured by the lien.

(C) Plans and specifications required by department regulations or a department–approved alternate for the manufactured home, mobilehome, or commercial modular foundation system.

(D) The manufactured home, mobilehome, or commercial modular manufacturer's installation instructions, or plans and specifications signed by a California licensed architect or engineer covering the installation of an individual manufactured home, mobilehome, or commercial modular in the absence of the manufactured home, mobilehome, or commercial modular manufacturer's instructions.

(E) Building permit fees established by ordinance or regulation of the appropriate enforcement agency.

(F) A fee payable to the department in the amount of eleven dollars ($11) for each transportable section of the manufactured home, mobilehome, or commercial modular, that shall be transmitted to the department at the time the certificate of occupancy is issued with a copy of the building permit and any other information concerning the manufactured home, mobilehome, or commercial modular which the department may prescribe on forms provided by the department.

(2)(A) On the same day that the certificate of occupancy for the manufactured home, mobilehome, or commercial modular is issued by the appropriate enforcement agency, the enforcement agency shall record with the county recorder of the county where the real property is situated, that the manufactured home, mobilehome, or commercial modular has been installed upon, a document naming the owner of the real property, describing the real property with certainty, and stating that a manufactured home, mobilehome, or commercial modular has been affixed to that real property by installation on a foundation system pursuant to this subdivision.

(B) When recorded, the document referred to in subparagraph (A) shall be indexed by the county recorder to the named owner and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.

(C) Fees received by the department pursuant to subparagraph (F) of paragraph (1) shall be deposited in the Mobilehome–Manufactured Home Revolving Fund established under subdivision (a) of Section 18016.5.

(3) The department shall adopt regulations providing for the cancellation of registration of a manufactured home, mobilehome, or commercial modular that is permanently attached to the ground on a foundation system pursuant to subdivision (a). The regulations shall provide for the surrender to the department of the certificate of title and other indicia of registration. For the purposes of this subdivision, permanent affixation to a foundation system shall be deemed to have occurred on the day a certificate of occupancy is issued to the manufactured home, mobilehome, or commercial modular owner and the document referred to in subparagraph (A) of paragraph (2) is recorded. Cancellation shall be effective as of that date and the department shall enter the cancellation on its records upon receipt of a copy of the certificate of occupancy. This subdivision shall not be construed to affect the application of existing laws, or the department's regulations or procedures with regard to the cancellation of registration, except as to the requirement therefor and the effective date thereof.

(4) Once installed on a foundation system in compliance with this subdivision, a manufactured home, mobilehome, or commercial modular shall be deemed a fixture and a real property improvement to the real property to which it is affixed. Physical removal of the manufactured home, mobilehome, or commercial modular shall thereafter be prohibited without the consent of all persons or entities who, at the time of removal, have title to any estate or interest in the real property to which the manufactured home, mobilehome, or commercial modular is affixed.

(5) For the purposes of this subdivision:

(A) "Physical removal" shall include, without limitation, the unattaching of the manufactured home, mobilehome, or commercial modular from the foundation system, except for temporary purposes of repair or improvement thereto.

(B) Consent to removal shall not be required from the owners of rights–of–way or easements or the owners of subsurface rights or interests in or to minerals, including, but not limited to, oil, gas, or other hydrocarbon substances.

(6) At least 30 days prior to a legal removal of the manufactured home, mobilehome, or commercial modular from the foundation system and transportation away from the real property to which it was formerly affixed, the manufactured home, mobilehome, or commercial modular owner shall notify the department and the county assessor of the intended removal of the manufactured home, mobilehome, or commercial modular. The department shall require written evidence that the necessary consents have been obtained pursuant to this section and shall require application for either a transportation permit or manufactured home, mobilehome, or commercial modular registration, as the department may decide is appropriate to the circumstances. Immediately upon removal, as defined in this section, the manufactured home, mobilehome, or commercial modular shall be deemed to have become personal property and subject to all laws governing the same as applicable to a manufactured home, mobilehome, or commercial modular.

(b) The installation of a manufactured home or a mobilehome on a foundation system as chattel shall be in accordance with Section 18613 and shall be deemed to meet or exceed the requirements of Section 18613.4. This subdivision shall not be construed to affect the application of sales and use or property taxes. No provisions of this subdivision are intended, nor shall they be construed, to affect the ownership interest of any owner of a manufactured home or mobilehome.

(c) Once installed on a foundation system, a manufactured home, mobilehome, or commercial modular shall be subject to state enforced health and safety standards for manufactured homes, mobilehomes, or commercial modulars enforced pursuant to Section 18020.

(d) No local agency shall require that any manufactured home, mobilehome, or commercial modular currently on private property be placed on a foundation system.

(e) No local agency shall require that any manufactured home or mobilehome located in a mobilehome park be placed on a foundation system.

(f) No local agency shall require, as a condition for the approval of the conversion of a rental mobilehome park to a resident–owned park, including, but not limited to, a subdivision, cooperative, or condominium for mobilehomes, that any manufactured home or mobilehome located there be placed on a foundation system. This subdivision shall only apply to the conversion of a rental mobilehome park that has been operated as a rental mobilehome park for a minimum period of five years.

Added Stats 1979 ch 1160 § 7. Amended Stats 1980 ch 285 § 1, effective June 30, 1980, operative July 1, 1980, ch 1149 § 40; Stats 1983 ch 1216 § 5; Stats 1984 ch 301 § 1; Stats 1985 ch 210 § 17, ch 485 § 1, effective September 6, 1985, § 2, effective September 6, 1985, operative January 1, 1986; Stats 1987 ch 56 § 116; Stats 1988 ch 799 § 28; Stats 1997 ch 423 § 3 (SB 259); Stats 2011 ch 239 § 7 (SB 562), effective January 1, 2012.

§ 18551.1. Placement of manufactured homes and mobilehomes on foundation systems

(a) Any mobilehome park, constructed on or after January 1, 1982, may be constructed in a manner that will enable manufactured homes, mobilehomes, and multiunit manufactured housing sited in the park to be placed upon a foundation system, and manufactured homes, mobilehomes, and multiunit manufactured housing sited in the park may be placed upon foundation systems, subject to the requirements of Section 18551.

(b) Notwithstanding subdivision (a), any manufactured home, mobilehome, or multiunit manufactured housing originally sited on or after January 1, 1985, in a mobilehome park constructed prior to January 1, 1982, may be placed upon a foundation system, subject to the requirements of Section 18551.

(c) Notwithstanding subdivisions (a) and (b), any manufactured home, mobilehome, or multiunit manufactured housing sited in a mobilehome park which is converted, or in the process of being converted, to resident ownership on or after January 1, 1992, may be placed on a foundation system, subject to the requirements of Section 18551, and with the approval of the ownership of the park.

(d) With respect to any manufactured home, mobilehome, or multiunit manufactured home sited in a mobilehome park under subdivision (a), (b), or (c), no single structure shall exceed two stories in height.

(e) Notwithstanding subdivisions (a) and (b), the installation of a manufactured home, mobilehome, or multiunit manufactured housing within a mobilehome park pursuant to Section 18551 shall be subject to prior written approval by the ownership of the mobilehome park.

(f) The number of dwelling units per structure for any manufactured home or mobilehome consisting of two or more dwelling units, or multiunit manufactured housing, sited in a mobilehome park on or after January 1, 2003, shall conform to a zone designation or conditional use permit that currently applies to the park or an amended or new zone designation or conditional use permit that is additionally granted to the park.

Added Stats 1981 ch 974 § 5. Amended Stats 1983 ch 1076 § 120; Stats 1984 ch 301 § 2; Stats 1992 ch 1053 § 1 (AB 3179); Stats 1997 ch 423 § 4 (SB 259); Stats 2001 ch 356 § 3 (AB 1318); Stats 2002 ch 1065 § 1 (AB 2495).

§ 18552. Building standards; Regulations for accessory buildings or structures; Installation above 4,000 feet; Snow roof load

(a) The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt other regulations for manufactured home or mobilehome accessory buildings or structures. The regulations adopted by the department shall provide for the construction, location, and use of manufactured home or mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public, and shall be enforced by the appropriate enforcement agency.

(b) A manufactured home or accessory building or structure may be installed in a mobilehome park above 4,000 feet in elevation at the option of the owner of the home and after approval by the park operator only if the installation is consistent with one of the following:

(1) If the manufactured home or accessory building or structure does not have the capacity to resist the minimum snow loads as established for residential buildings by local ordinance, the manufactured home or accessory building or structure must have the capacity to resist a roof live load of at least 60 pounds per square foot and may only be installed in a mobilehome park that has and is operating an approved snow roof load maintenance program, as defined by the department. The installation shall comply with all other applicable requirements of this part and the regulations adopted pursuant to this part and shall be approved by the enforcement agency. The approval of the snow roof load maintenance program shall be identified on the permit to operate.

(2) If the manufactured home or accessory building or structure does not have the capacity to resist the minimum snow loads established by local ordinance for residential buildings, the manufactured home or accessory building or structure may only be installed if it is protected by a ramada designed to resist the minimum snow loads established by local ordinance and constructed pursuant to this part and regulations adopted pursuant to this part. The plans and specifications for the construction of the ramada and the installation of the home shall be approved by the enforcement agency.

(3) If a manufactured home or accessory building or structure has the capacity to resist the minimum snow loads established by local ordinance for residential buildings, an approved snow roof load maintenance program or ramada is not required for that home or accessory building or structure.

(c) Before installing a manufactured home or accessory building or structure pursuant to paragraph (1) of subdivision (b), the operator of a park shall request and obtain approval from the enforcement agency for its existing or proposed snow roof load maintenance program. The enforcement agency's approval shall be based on relevant factors identified in the regulations of the department and shall include, but not be limited to, the types of maintenance to be used to control or remove snow accumulation and the capacity and capability of personnel and equipment proposed to satisfactorily perform the snow roof load maintenance program. The request for approval shall specify the type of maintenance to be used to control snow accumulation and shall demonstrate the capacity and capability of necessary personnel or its equivalent to satisfactorily perform the snow roof load maintenance program.

Added Stats 1973 ch 1103 § 8. Amended Stats 1975 ch 803 § 10; Stats 1979 ch 1152 § 125; Stats 1983 ch 1076 § 121; Stats 1985 ch 210 § 18; Stats 2004 ch 622 § 3 (SB 1176); Stats 2005 ch 325 § 1 (AB 1064), effective January 1, 2006; Stats 2006 ch 890 § 8 (SB 286), effective January 1, 2007.

§ 18554. Disposal of wastewater

(a) It is unlawful to permit any wastewater, sewage, or waste material from any plumbing fixtures in a park, any park sewage or waste disposal system, or any plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the park, to be discharged onto or deposited upon the surface of the ground.

(b) The enforcement agency may order the removal, sanitation, or both, of any wastewater, sewage, or waste material discharged onto or deposited upon the surface of the ground, or may require the removal, sanitation, or both, of the wastewater, sewage, or waste material, in a manner consistent with the requirements of, and in consultation with, the local health department or agency.

(c) Pursuant to this section, the registered owner of a mobilehome, manufactured home, or recreational vehicle shall be responsible for complying with an order, or the correction of a citation, issued by the enforcement agency, and the costs of that order, whenever wastewater, sewage, or waste material is discharged onto or deposited upon the surface of the ground as a result of leaks from plumbing fixtures in a manufactured home, mobilehome, or recreational vehicle, or accessory structure, or whenever those leaks come from plumbing on the space or lot that connects the home or recreational vehicle or accessory structure to the park's sewer, septic, or drain system on the home or vehicle registered owner's side of the connection, if the discharge or deposit is determined by the enforcement agency to be the fault of the registered owner of the home or recreational vehicle.

(d) Except as provided in Section 18930, the department may adopt any rules and regulations that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section.

Added Stats 1973 ch 1103 § 9. Amended Stats 1975 ch 803 § 11; Stats 1979 ch 1152 § 126; Stats 1983 ch 1076 § 122; Stats 1985 ch 210 § 19; Stats 1988 ch 799 § 29; Stats 2007 ch 557 § 1 (SB 589), effective January 1, 2008.

§ 18555. Application for voluntary conversion to fixture and improvement; Escrow account; Tax clearance certificate; Recording of application; Cancellation of registration; Notice of removal

(a) Notwithstanding any other provision of law, the registered owner of a manufactured home or mobilehome in a mobilehome park, converted or proposed to be converted to a resident–owned subdivision, cooperative, condominium, or nonprofit corporation formed pursuant to Section 11010.8 of the Business and Professions Code, may, if the registered owner is also a participant in the resident ownership, apply for voluntary conversion of the manufactured home or mobilehome to a fixture and improvement to the underlying real property without compliance with subdivision (a) of Section 18551.

(b) The resident ownership or proposed resident ownership of a mobilehome park converted or proposed to be converted to a resident–owned subdivision, cooperative, condominium, or nonprofit corporation formed pursuant to Section 11010.8 of the Business and Professions Code, shall, on behalf of registered owners of manufactured homes and mobilehomes making application pursuant to subdivision (a), establish with an escrow agent an escrow account. All of the following shall be deposited into the escrow account:

(1) A copy of the registered owner's application, on a form, provided by the department, that shall be substantially similar to forms presently used to record the installation of manufactured homes and mobilehomes on foundation systems pursuant to subdivision (a) of Section 18551. In addition, by signature of an authorized representative, the form shall contain provisions for certification by the resident ownership of the mobilehome park converted or proposed to be converted to a subdivision, cooperative, or condominium that the applicant is a participant in the resident–ownership.

(2) The certificate of title, the current registration card, decals, and other indicia of registration of the manufactured home or mobilehome.

(3) In the absence of a certificate of title for the manufactured home or mobilehome, written evidence from lienholders on record with the department that the lienholders consent to conversion of the manufactured home or mobilehome to a fixture and improvement to the underlying real property upon the discharge of any personal lien, that may be conditioned upon the satisfaction by the registered owner of the obligation secured by the lien.

(4) A fee payable to the department in the amount of twenty–two dollars ($22), for each transportable section of the manufactured home or mobilehome, that shall be transmitted to the department upon close of escrow with a copy of the form recorded with the county recorder's office pursuant to paragraph (2) of subdivision (c). Fees received by the department pursuant to this section shall be deposited in the Mobilehome–Manufactured Home Revolving Fund established under subdivision (a) of Section 18016.5 for administration of Part 2 (commencing with Section 18000).

(5) Escrow instructions describing the terms and conditions of compliance with this section, the requirements of the department, and other applicable terms and conditions.

(c) If the manufactured home or mobilehome is subject to local property taxation, and subject to registration under Part 2 (commencing with Section 18000), the escrow officer shall forward to the tax collector of the county where the used manufactured home or mobilehome is located, a written demand for a tax clearance certificate if no liability exists, or a conditional tax clearance certificate if a tax liability exists, to be provided on a form prescribed by the Controller. The conditional tax clearance certificate shall state the amount of the tax liability due, if any, and the final date that amount may be paid out of the proceeds of escrow before a further tax liability may be incurred.

(1) Within five working days of receipt of the written demand for a conditional tax clearance certificate or a tax clearance certificate, the county tax collector shall forward the conditional tax clearance certificate or a tax clearance certificate showing that no tax liability exists to the requesting escrow officer. In the event the tax clearance certificate's or conditional tax clearance certificate's final due date expires within 30 days of the date of issuance, an additional conditional tax clearance certificate or a tax clearance certificate shall be completed that has a final due date of at least 30 days beyond the date of issuance.

(2) If the tax collector to whom the written demand for a tax clearance certificate or a conditional tax clearance certificate was made fails to comply with that demand within 30 days from the date the demand was mailed, the escrow officer may close the escrow and submit a statement of facts certifying that the written demand was made on the tax collector and the tax collector failed to comply with that written demand within 30 days. This statement of facts shall be accepted by the department and all other parties to the conversion in lieu of a conditional tax clearance certificate or a tax clearance certificate, as prescribed by subdivision (a) of Section 18092.7, and the conversion of the manufactured home or mobilehome to a fixture and improvement to the underlying real property may be completed.

(3) The escrow officer may satisfy the terms of the conditional tax clearance certificate by paying the amount of tax liability shown on the form by the tax collector out of the proceeds of escrow on or before the date indicated on the form and by certifying in the space provided on the form that all terms and conditions of the conditional tax clearance certificate have been complied with.

(d)(1) On the same or following day that the escrow required by subdivision (b) is closed, the escrow agent shall record, or cause to be recorded, with the county recorder of the county where the converted manufactured home or mobilehome is situated, the form prescribed by paragraph (1) of subdivision (b) stating that the manufactured home or mobilehome has been converted to a fixture and improvement to the underlying real property pursuant to this section.

(2) When recorded, the form referred to in paragraph (1) of subdivision (b) shall be indexed by the county recorder to the named owner of the converted manufactured home or mobilehome, and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.

(e) The department shall cancel the registration of a manufactured home or mobilehome converted to a fixture and improvement to the underlying real property pursuant to this section. For the purposes of this subdivision, conversion of the manufactured home to a fixture and improvement to the underlying real property shall be deemed to have occurred on the day a form referred to in paragraph (1) of subdivision (b) is recorded. Cancellation shall be effective as of that date, and the department shall enter the cancellation on its records upon receipt of a copy of the form recorded pursuant to paragraph (1) of subdivision (c), the certificate of title, the current registration card, other indicia of registration, and fees prescribed by this section. This subdivision shall not be construed to affect the application of existing laws, or the department's regulations or procedures with regard to the cancellation of registration, except as to the requirement therefor and the effective date thereof.

(f) Once the form referred to in paragraph (1) of subdivision (b) has been recorded, a manufactured home or mobilehome shall be deemed a fixture and improvement to the underlying real property described with certainty on the form. Physical removal of the manufactured home or mobilehome from the real property where it has become a fixture and improvement pursuant to this section shall thereafter be prohibited without the consent of all persons or entities who, at the time of removal, have title to any estate or interest in the real property where the manufactured home or mobilehome has become a fixture and improvement.

(g) For the purposes of this section:

(1) "Physical removal" shall include, without limitation, the manufactured home, mobilehome, or any transportable section thereof, from the real property where it has become a fixture and improvement.

(2) Consent to removal shall not be required from the owners of rights–of–way or easements or the owners of subsurface rights or interests in or to minerals, including, but not limited to, oil, gas, or other hydrocarbon substances.

(h) At least 30 days prior to a legal removal of the manufactured home or mobilehome from the real property where it has become a fixture and improvement and transportation away from the real property, the manufactured home or mobilehome owner shall notify the department and the county assessor of the intended removal of the manufactured home or mobilehome. The department shall require written evidence that the necessary consents have been obtained pursuant to this section, and shall require application for either a transportation permit or manufactured home or mobilehome registration, as the department may decide is appropriate to the circumstances. Immediately upon removal, as defined in this section, the manufactured home or mobilehome shall be deemed to have become personal property and subject to all laws governing the same as applicable to a manufactured home or mobilehome.

(i) Notwithstanding any other provision of law, any manufactured home or mobilehome not installed on a foundation system pursuant to subdivision (a) of Section 18551 or converted to a fixture and improvement to real property as prescribed by this section shall not be deemed a fixture or improvement to the real property. This subdivision shall not be construed to affect the application of sales and use or property taxes.

(j) Once converted to a fixture and improvement to real property, a manufactured home or mobilehome shall be subject to state–enforced health and safety standards for manufactured homes or mobilehomes enforced pursuant to Section 18020.

(k) No local agency shall require, as a condition for the approval of the conversion of a rental mobilehome park to a resident–owned park, including, but not limited to, a subdivision, cooperative, condominium, or nonprofit corporation formed pursuant to Section 11010.8 of the Business and Professions Code for manufactured homes or mobilehomes, that any manufactured home or mobilehome located there be converted to a fixture and improvement to the underlying real property.

(l) The department is authorized to adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code in order to implement the purposes of this section.

Added Stats 1992 ch 1053 § 2 (AB 3179). Amended Stats 1997 ch 423 § 5 (SB 259).

§ 18601. Animal control

The department shall adopt regulations to ensure adequate animal control within parks.

Added Stats 1967 ch 1056 § 3. Amended Stats 1977 ch 845 § 9; Stats 1983 ch 1076 § 123; Stats 1988 ch 799 § 30.

§ 18602. Lighting requirements

In every park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing toilets and showers, and roadways and walkways within the park.

Added Stats 1967 ch 1056 § 3. Amended Stats 1983 ch 1076 § 124; Stats 1988 ch 799 § 31.

§ 18603. Attendant requirement; Emergency plan

(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 California Emergency Management Agency, 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.

Added Stats 1967 ch 1056 § 3. Amended Stats 1976 ch 417 § 1; Stats 1988 ch 799 § 32; Stats 1998 ch 667 § 1 (SB 1987); Stats 2009 ch 551 § 2 (SB 23), effective January 1, 2010; Stats 2010 ch 618 § 146 (AB 2791).

§ 18604. Insignia of approval for renting or leasing; Recreational vehicle in special occupancy park

(a) No manufactured home, mobilehome, or recreational vehicle within a park shall be rented or leased unless it bears a label, an insignia, or an insignia of approval required by Section 18026 or 18027.3, or a federal label issued pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.).

(b) A recreational vehicle that does not bear a label, an insignia, or an insignia of approval, as required by subdivision (f) or (g) of Section 18027.3, may not occupy any lot in a special occupancy park unless the vehicle owner provides reasonable proof of compliance with ANSI Standard No. A119.2 or A119.5. A department label or insignia shall constitute one form of reasonable proof of compliance with ANSI standards. This subdivision does not apply to a recreational vehicle occupying a lot in a special occupancy park on December 31, 1998, unless the vehicle is moved to a different special occupancy park on or after January 1, 1999.

Added Stats 1968 ch 1066 § 14. Amended Stats 1983 ch 1076 § 125; Stats 1988 ch 799 § 33; Stats 1998 ch 293 § 11 (AB 1984).

§ 18605. Adoption of regulations governing use and occupancy

The department shall adopt regulations to govern the use and occupancy of manufactured homes, mobilehomes, and recreational vehicles. These regulations shall establish minimum requirements to protect the health and safety of the occupants and the public, and shall also provide for the repair or abatement of any unsafe or unsanitary condition of the manufactured home, mobilehome, or recreational vehicle or of the electrical, mechanical, or plumbing installations therein.

Added Stats 1973 ch 1103 § 10. Amended Stats 1975 ch 803 § 12; Stats 1983 ch 1076 § 126; Stats 2001 ch 434 § 26 (SB 325), operative January 1, 2004.

Article 2 Mobilehome And Special Occupancy Park Lots

§ 18610. Regulations governing parks and lots within parks

Except as provided in Section 18930, the department shall adopt regulations to govern the construction, use, occupancy, and maintenance of parks and lots within the parks. The regulations adopted by the department shall establish standards and requirements which protect the health, safety, and general welfare of the residents of parks. The regulations adopted by the department shall provide equivalent or greater protection to the residents of parks than the statutes and regulations in effect on December 31, 1977.

Added Stats 1967 ch 1056 § 3. Amended Stats 1977 ch 845 § 10; Stats 1979 ch 1152 § 128; Stats 1983 ch 1076 § 128; Stats 1985 ch 210 § 20; Stats 1988 ch 799 § 35.

§ 18610.5. Creation, movement, or alteration of lot lines; Application for alteration permit; Fee; Submission to local planning agency

(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 Stats 2001 ch 434 § 29 (SB 325), effective January 1, 2004; Stats 2003 ch 815 § 3 (SB 54), operative July 1, 2005.

§ 18611. Affixing factory–built housing, mobilehomes, or manufactured homes on foundation systems in mobilehome parks

(a) Factory–built housing bearing an insignia of approval pursuant to Section 19980, manufactured homes as defined in Section 18007, mobilehomes as defined in Section 18008, or multiunit manufactured housing as defined in Section 18008.7 may be affixed to a foundation system within a mobilehome park, if the installation conforms to the rules of the mobilehome park, the installation is approved pursuant to Section 19992, or in the case of manufactured homes, mobilehomes, or multiunit manufactured housing the installation is in accordance with Section 18551, and no single structure exceeds two stories in height. Any factory–built housing, manufactured homes, mobilehomes, or multiunit manufactured housing included in a mobilehome park pursuant to this section shall be located on lots especially designated for that purpose in accordance with the rules of the mobilehome park.

(b) This section applies only to mobilehome parks (1) where the permit to construct the park is issued on or after January 1, 1982, and (2) that are additionally granted a zone designation or conditional use permit that authorizes permanent occupancies of the type and to the extent established pursuant to this section.

(c) Nothing in this section shall be construed to create an exemption from the requirements of Division 2 (commencing with Section 66410) of Title 7 of the Government Code.

Added Stats 1981 ch 881 § 1. Amended Stats 1997 ch 423 § 6 (SB 259); Stats 2001 ch 356 § 4 (AB 1318); Stats 2002 ch 1065 § 2 (AB 2495).

§ 18612. Lot access and driveways

Except as provided in Section 18930, the department shall adopt regulations to govern lot access and driveways within parks. The regulations adopted by the department shall establish standards or requirements which protect the health, safety, and general welfare of the residents of parks and shall require proper maintenance of lot access and driveways. The regulations adopted by the department shall provide equivalent or greater protection to the residents of parks than the statutes and regulations in effect on December 31, 1977.

Added Stats 1967 ch 1056 § 3. Amended Stats 1972 ch 115 § 1; Stats 1974 ch 1077 § 1, effective September 23, 1974; Stats 1977 ch 845 § 12; Stats 1979 ch 1152 § 129; Stats 1983 ch 1076 § 129; Stats 1985 ch 210 § 21; Stats 1988 ch 799 § 36.

§ 18613. Permit required for installation of manufactured home or mobilehome; Inspection; Notice of defects; Fees

(a)(1) A permit shall be obtained from the enforcement agency each time a manufactured home or mobilehome is to be located, installed, or reinstalled, on any site for the purpose of human habitation or occupancy as a dwelling.

(2) For purposes of this section, the terms “located,” “installed,” and “reinstalled” include alteration, modification, or replacement of the mobilehome stabilizing devices, load–bearing supports, or both.

(b) The contractor engaged to install the manufactured home or mobilehome shall obtain the permit, except when the owner of the manufactured home or mobilehome proposes to perform the installation. When a contractor applies for a permit to install a manufactured home or mobilehome, he or she shall display a valid contractor’s license. The

contractor shall complete the installation of the manufactured home or mobilehome in accordance with the regulations adopted by the department within the time limitations which shall be established by regulations of the department. The time limitations shall allow contractors a reasonable amount of time within which to complete manufactured home or mobilehome installations.

(c) If inspection of the manufactured home or mobilehome installation by the enforcement agency determines that the manufactured home or mobilehome cannot be approved for occupancy due to defective material, systems, workmanship, or equipment of the manufactured home or mobilehome, the contractor shall be allowed a reasonable amount of time, as determined by regulations of the department, to complete the installation after the defects in the manufactured home or mobilehome have been corrected.

(d) The enforcement agency shall immediately notify the department whenever any manufactured home or mobilehome cannot be approved for occupancy due to defects of the manufactured home or mobilehome. The report of notification shall indicate health and safety defects and, in the case of new manufactured homes or mobilehomes, substantial defects of materials and workmanship. For purposes of this section, "substantial defects of materials and workmanship" means defects objectively manifested by broken, ripped, cracked, stained, or missing parts or components and shall not include alleged defects concerning color combinations or grade of materials used. If the manufactured home or mobilehome fails the installation inspection because of conditions which do not endanger the health or safety of the occupant, the owner may occupy the manufactured home or mobilehome. If, however, the installation fails inspection due to immediate hazards to the health or safety of the occupant, as determined by the enforcement agency, the manufactured home or mobilehome shall not be occupied.

(e) Except as provided in Section 18930, the department shall adopt regulations for the installations and regulations which specify a standard form required to be used statewide by enforcement agencies as a certificate of occupancy or statement of installation acceptance. The department shall transmit a copy of the standard form to all enforcement agencies. An enforcement agency shall not be required to use the standard forms until their existing stock of forms for this purpose is depleted. The regulations adopted by the department pursuant to this section shall establish the requirements which the department determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section. In adopting building regulations or adopting other regulations pursuant to this section, the department shall consider reassembly of the manufactured home or mobilehome, stabilizing devices and load–bearing supports, and utility connections and connectors.

(f) The department shall establish a schedule of fees for the permits required by this section commensurate with the cost of the enforcement of this section and the regulations adopted pursuant to this section. Where a city, county, or city and county is responsible for the enforcement, the city, county, or city and county may establish a schedule of fees not to exceed the actual cost of enforcement and not to exceed those fees established by the department where the department is the enforcement agency. Permit fees and reinspection fees shall be paid to the enforcement agency by the permittee.

(g) This section does not apply to recreational vehicles or commercial coaches.

Added Stats 1973 ch 640 § 3. Amended Stats 1975 ch 1273 § 2; Stats 1979 ch 1152 § 130; Stats 1980 ch 673 § 1; Stats 1982 ch 928 § 3, effective September 13, 1982; Stats 1983 ch 1076 § 130; Stats 1985 ch 210 § 22; Stats 1992 ch 686 § 11 (SB 1716).

§ 18613.1. Extent of requirements

The requirements for any installation of a manufactured home or mobilehome shall not exceed the requirements set forth in Sections 18613 and 18613.4.

Added Stats 1979 ch 1180 § 3. Amended Stats 1983 ch 1076 § 131; Stats 1994 ch 240 § 1 (SB 750), effective July 20, 1994.

§ 18613.2. Copy of permit

When the enforcement agency issues an installation permit for a new manufactured home or mobilehome, beginning on July 1, 1980, a copy of such permit shall be delivered to the county or city assessor having jurisdiction where the manufactured home or mobilehome is to be sited.

Added Stats 1979 ch 1180 § 4. Amended Stats 1983 ch 1076 § 132.

§ 18613.3. Dimensioned plot plan of lot

An application for a permit for initial installation of a manufactured home or mobilehome shall be accompanied by a dimensioned plot plan of the lot on which the manufactured home or mobilehome will be installed. The park owner or operator shall sign the plot plan to certify that the dimensions of the lot are correct if the manufactured home or mobilehome is to be located in a park. The applicant shall provide a copy of the plot plan to the manufactured home or mobilehome owner, if the applicant is a contractor, and to the park owner or operator, if the manufactured home or mobilehome is to be located in a park.

Added Stats 1992 ch 320 § 1 (AB 2468).

§ 18613.4. Further requirements for installation or reinstallation

(a) All manufactured homes or mobilehomes, when initially installed or subsequently reinstalled on a different lot pursuant to Section 18613, shall be installed to resist, in conjunction with vertical loads, either forces from horizontal wind pressures of 15 pounds per square foot or the design wind load of the home, whichever is greater.

(b) For the purposes of complying with subdivision (a), all manufactured homes or mobilehomes with manufacturer's installation instructions that include requirements for tiedowns shall be installed in accordance with all of the following:

(1) The manufacturer's installation instructions.

(2) If not included in the manufacturer's installation instructions, a minimum of four additional tiedowns per section shall be installed to resist the same wind forces in the longitudinal direction of the manufactured home or mobilehome as the total of those forces required to be resisted in the transverse direction. No portion of the tiedown extending beyond the vertical plane of an exterior wall of the manufactured home or mobilehome shall be above the ground.

(3) When used, concrete or steel piers shall have mechanical connections to the home and their footing that resist separation of the supports from the home and the footing. Mechanical connections shall not require modifications to the manufactured home or mobilehome.

(c) For the purposes of complying with subdivision (a), when no manufacturer's installation instructions are available that include requirements for tiedowns, the manufactured home or mobilehome shall be installed in accordance with both of the following:

(1) Department regulations, which shall include requirements for tiedowns meeting the standards in subdivision (a).

(2) The requirements specified in paragraphs (2) and (3) of subdivision (b).

(d) For the purposes of complying with subdivision (a), all manufactured homes or mobilehomes may be installed or reinstalled in accordance with plans and specifications signed by a licensed architect or engineer that meet the requirements of this section.

(e) Manufactured homes or mobilehomes installed before the effective date of the act that added this section that do not meet the standards in subdivision (a) and need to be reinstalled due to damage caused by wind or seismic forces shall be reinstalled to meet the requirements of subdivision (a) and paragraphs (2) and (3) of subdivision (b), if federal funds are available for grants or direct payment of the additional installation costs.

(f) Nothing in this section prohibits the use of alternative materials, installation methods, devices, et cetera, as permitted in Section 18305, as long as the forces specified in subdivision (a) and in paragraph (2) of subdivision (b) are resisted.

(g) The department shall adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code in order to implement the purposes of this section.

(h) The department shall develop standards for mechanical connections for concrete block supports that connect the blocks to the manufactured homes or mobilehomes and their footing and resist the separation of the supports from the home and the footing. By the adoption of the act that adds this subdivision, it is not the intent of the Legislature that the concrete blocks used as vertical supports be required to be mechanically attached to the manufactured homes or mobilehomes and their footings.

(i) This section shall not apply to the installation of any manufactured home or mobilehome for which escrow has been opened in accordance with Section 18035 prior to the operative date of the act that adds this section.

(j) This section shall become operative 60 days after the date that the act that adds this section is chaptered.

Added Stats 1994 ch 240 § 2 (SB 750), effective July 20, 1994.

§ 18613.5. Earthquake resistant bracing systems; Certification; Fees

The Department of Housing and Community Development, with the review and advice of the Seismic Safety Commission, shall adopt such rules and regulations as are necessary to ensure that purchasers of all manufactured homes and mobilehomes installed for human occupancy pursuant to Section 18613 are offered earthquake resistant bracing systems which meet generally accepted seismic safety standards for the reduction of damage and for the protection of the health and safety of the occupants. Such rules and regulations also shall include provisions for establishing a process and a fee schedule for the design review and certification by the department.

To the extent practical, the department shall be responsible for notifying owners of existing licensed manufactured homes and mobilehomes that a certification process has been established so that when considering purchase of a bracing system the owners can determine if the product or system is certified by the department.

The fees established by the department shall be sufficient to pay for the development of the design criteria and standards and the costs for the design review and certification of the products or systems.

Added Stats 1981 ch 533 § 1. Amended Stats 1983 ch 1076 § 133.

§ 18613.7. Permit for installation of bracing devices

(a) A permit shall be obtained by the installer from the enforcement agency each time an earthquake resistant bracing system is installed, replaced, or altered on any manufactured home or mobilehome. The enforcement agency shall inspect the installation of these bracing systems to ensure compliance with the regulations adopted by the department.

(b) The department shall adopt regulations governing the installation of earthquake resistant bracing systems. The enforcement agency shall adopt a fee schedule which shall not exceed the costs of the issuance of the permit and inspection required by this section.

Added Stats 1989 ch 304 § 1. Amended Stats 1991 ch 506 § 10 (SB 415); Stats 1992 ch 686 § 12 (SB 1716).

§ 18614. Notice to registrar of contractors of failure to correct installation; Disciplinary action

If the installation of a manufactured home or mobilehome by a contractor has failed the inspection of the enforcement agency and the contractor has failed to perform corrections to remedy the reasons for the failure within the time permitted by regulations of the department adopted pursuant to Section 18613, the enforcement agency shall promptly notify the registrar of contractors of such fact and the name of the contractor.

Upon such notification, the registrar shall investigate the actions of the contractor. Failure by the contractor to comply with the provisions of Section 18613 and the building standards referenced therein and the regulations adopted pursuant thereto may constitute cause for disciplinary action.

Added Stats 1973 ch 640 § 4. Amended Stats 1979 ch 1152 § 131; Stats 1983 ch 1076 § 134.

Article 3 Building Construction

§ 18620. Building standards; Rules and regulations

The department shall adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to the construction of all permanent buildings in a park, except in a park in a city, county, or city and county that has adopted and is enforcing a building code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 132; Stats 1983 ch 1076 § 135; Stats 1985 ch 210 § 23; Stats 1988 ch 799 § 37; Stats 2001 ch 434 § 33 (SB 325), operative January 1, 2004.

Article 4 Plumbing

§ 18630. Rules and regulations for plumbing

The department shall adopt regulations regarding plumbing in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to all plumbing within permanent buildings, except a park in a city, county, or city and county that has adopted and is enforcing a plumbing code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 133; Stats 1983 ch 1076 § 136; Stats 1985 ch 210 § 24; Stats 1988 ch 799 § 38; Stats 2001 ch 434 § 34 (SB 325), operative January 1, 2004.

Article 5 Regulations

§ 18640. Regulations regarding toilets, showers, and laundry facilities

The department shall adopt regulations for toilet, shower, and laundry facilities in parks. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall establish standards and requirements which protect the health, safety, and general welfare of the residents of parks, and shall require proper maintenance of those facilities. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall provide equivalent or greater protection to the residents of parks than the statutes and regulations in effect on December 31, 1977.

Added Stats 1977 ch 845 § 14. Amended Stats 1979 ch 1152 § 134; Stats 1983 ch 1076 § 137; Stats 1985 ch 210 § 25; Stats 1988 ch 799 § 39; Stats 2001 ch 434 § 35 (SB 325), operative January 1, 2004.

Article 6 Electrical

§ 18670. Electrical equipment

The department shall adopt regulations regarding electrical wiring, fixtures, and equipment installed in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to all electrical wiring, fixtures, and equipment installed within permanent buildings, except within a park in a city, county, or city and county that has adopted and is enforcing an electrical code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 135; Stats 1983 ch 1076 § 138; Stats 1985 ch 210 § 26; Stats 1988 ch 799 § 40; Stats 2001 ch 434 § 36 (SB 325), operative January 1, 2004.

Chapter 6 FUEL GASES

§ 18690. Fuel gas equipment and installation

The department shall adopt regulations regarding fuel gas equipment and installations in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to all fuel gas equipment and installations within permanent buildings, except within a park in a city, county, or city and county that has adopted and is enforcing a gas code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 136; Stats 1983 ch 1076 § 139; Stats 1985 ch 210 § 27; Stats 1988 ch 799 § 41; Stats 2001 ch 434 § 37 (SB 325), operative January 1, 2004.

§ 18691. Fire protection; Fire hydrants

(a) The department shall adopt rules and regulations that it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks. The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section within permanent buildings. The department, in consultation with local firefighting agencies, shall adopt and implement no later than January 1, 2002, regulations that require regular maintenance and periodic inspection and testing of fire hydrants in mobilehome parks.

(b) The regulations adopted by the department shall be applicable in all parks, except in a park within either of the following areas:

(1) A city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by those building standards published in the California Building Standards Code and the other state regulations adopted by the department.

(2) A special district or other entity, organized solely to provide fire protection services and monitored and funded by a county or other public entity, which meets both of the following requirements:

(A) Has been delegated fire code enforcement by a city, county, or city and county that is the enforcement agency.

(B) Is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by those building standards published in the California Building Standards Code and other state regulations adopted by the department.

(c) Notwithstanding the provisions of this section, the rules and regulations adopted by the department relating to the installation of water supply and fire hydrant systems shall not apply within parks constructed, or approved for construction, prior to January 1, 1966.

(d) Notwithstanding the provisions of this section, a city, county, city and county, or special district that is not the enforcement agency under this part may enforce its fire prevention code in mobilehome parks relating to fire hydrant systems; water supply; fire equipment access; posting of fire equipment access; parking; lot identification; weed abatement; combustible brush and vegetation on a lot or common area that represents an imminent fire hazard; debris abatement; combustible storage abatement, including flammable liquid storage; hazardous material storage and use; open flame or open burning; and burglar bars. Before assuming fire code enforcement in accordance with this subdivision, a city, county, city and county, or special district shall give the department a 30–day written notice. A city, county, city and county, or special district that enforces its fire prevention code pursuant to this subdivision shall apply its code provisions to conditions that arise after adoption of its fire prevention code, to conditions not legally in existence at the adoption of its fire prevention code, or to conditions that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

Added Stats 1967 ch 1056 § 3. Amended Stats 1979 ch 1152 § 137; Stats 1983 ch 1076 § 140; Stats 1985 ch 210 § 28; Stats 1988 ch 799 § 42; Stats 2000 ch 433 § 1 (SB 1627); Stats 2009 ch 586 § 1 (SB 398), effective January 1, 2010.

Chapter 7 PENALTIES

§ 18700. Misdemeanors; Suspension or revocation of permit

Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars ($400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part shall be subject to suspension or revocation of his or her permit to operate.

Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars ($500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Added Stats 1967 ch 1056 § 3. Amended Stats 1971 ch 1738 § 2; Stats 1979 ch 1152 § 138; Stats 1983 ch 1092 § 163, effective September 27, 1983, operative January 1, 1984; Stats 1985 ch 210 § 29.

APPENDIX
HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 1 EMPLOYEE HOUSING ACT

Chapter 1 GENERAL PROVISIONS AND DEFINITIONS

§ 17003.5. Commission as Department of Housing and Community Development

Any reference in this division to the Commission of Housing and Community Development shall be deemed to be to the Department of Housing and Community Development and the department may exercise all the powers and shall perform all the duties of the commission.

Added Stats 1981 ch 996 § 1.

Division 31 HOUSING AND HOME FINANCE

Part 2 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Chapter 3.4 MOBILEHOME PARK OWNERSHIP ASSISTANCE

§ 50523. Technical assistance to residents seeking to purchase mobilehome park

(a) Upon the application for assistance from two–thirds of the owners of mobilehomes in the mobilehome park, the department shall provide comprehensive technical assistance to the residents seeking to purchase the mobilehome park in which they reside. The assistance may include, but shall not be limited to, aiding the residents to secure proper permits, assisting in the formation of a residents' organization to take title to the mobilehome park, and providing advisory assistance in mobilehome park management. To the extent that its technical assistance resources are limited, the department shall give priority to requests for assistance from residents who are persons and families of low or moderate income as defined in Section 50093.

(b) In providing comprehensive technical assistance under subdivision (a), the department shall, to the extent feasible, ensure that its assistance does not result in the displacement of persons or families living in a mobilehome park intended for purchase by its residents.

(c) The department shall publicize the services described in subdivision (a) by any means reasonably calculated to notify mobilehome park residents of their availability.

(d) The department may charge the residents of a mobilehome park fees for providing the services described in subdivision (a). The fees shall not exceed the actual costs to the department for providing these services.

(e) Upon receipt of a request for termination of assistance by two–thirds of the owners of mobilehomes in the mobilehome park, the department shall cease providing technical assistance to that park.

(f) In no case shall assistance provided by the department to the residents of a mobilehome park extend beyond one year of the close of escrow for the mobilehome park purchased pursuant to this section.

Added Stats 1983 ch 713 § 1.

ELECTIONS CODE

Division 12 PREELECTION PROCEDURES

Chapter 3 PRECINCTS

Article 5 Polling Places

§ 12285. Use of mobilehome as 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.

Added Stats 1994 ch 920 § 2 (SB 1547). Amended Stats 1996 ch 725 § 16 (AB 1703); Stats 2000 ch 1081 § 20 (SB 1823).

Laws and Regulations
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Mobilehome Parks and Installations — Regulations

Title 25. Housing and Community Development

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Article 2. General Park Requirements

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MOBILEHOME PARKS AND INSTALLATIONS—REGULATIONS

Title 25. HOUSING AND COMMUNITY DEVELOPMENT

Division 1. HOUSING AND COMMUNITY DEVELOPMENT

Chapter 2. MOBILEHOME PARKS AND INSTALLATIONS

Article 1. Administration and Enforcement

§ 1000. Application and Scope

(a) Except as otherwise provided in sections 18300, 18303, and 18304, Health and Safety Code, the provisions of this chapter shall apply to the construction, use, maintenance, and occupancy of mobilehome parks, mobilehome and special occupancy lots, permanent buildings, accessory buildings or structures, and building components wherever located, both within and outside of mobilehome parks, in all parts of the state. These provisions shall also apply to the use, maintenance, and occupancy of manufactured homes, mobilehomes, multifamily manufactured homes and recreational vehicles, and the installations for supplying fuel gas, water, electricity, and the disposal of sewage from accessory buildings or structures, building components, recreational vehicles, manufactured homes, multifamily manufactured homes and mobilehomes wherever located within mobilehome parks, in all parts of the state.

(b) Provisions that apply only to Special Occupancy Parks, or separate designated special occupancy park sections within a park, are located in Title 25, California Code of Regulations, Division 1, chapter 2.2 of this division.

(c) Existing construction, connections, and installations of units, accessory buildings and structures, building components, plumbing, electrical, fuel gas, fire protection, earthquake resistant bracing, and permanent buildings made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18303, 18304, 18552, 18605, 18610, 18612, 18613, 18620, 18630, 18640, 18670, 18690 and 18691, Health and Safety Code.
HISTORY:
1. New Chapter 2 (Subchapters 1 and 2, Sections 1000–2864, not consecutive; Appendices A–E) filed 6–11–79; effective thirtieth day thereafter (Register 79, No. 23). For history of former Chapter 2, see Register 78, No. 11.
2. Editorial correction of HISTORY NOTE No. 1 (Register 85, No. 36).
3. Repealer and new section filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
4. Amendment of chapter heading, repealer of former subchapter 1 heading and amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
5. Editorial correction of chapter heading, effective 7-22-05 (Register 2005, No. 33).
6. Amendment of subsection (a) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1002. Definitions

In addition to the definitions contained in this section, which apply only to this chapter, the definitions contained in sections 18200-18700 of the Health and Safety Code and those definitions relating to building standards contained in Title 24, California Code of Regulations Parts 2, 3, 4, and 5, are also applicable to the requirements of this chapter.

(a) -A-

(1) Accessory building or structure. Any awning, window awning, cabana, ramada, storage cabinet, storage building, private garage, carport, fence, stairway, ramp, or porch, or any other building or structure other than a patio, established for the use of the occupant of a unit.

(2) Approved. Reviewed and/or inspected and deemed acceptable to the local enforcement agency.

(3) Architect. A person licensed by the State of California, qualified to practice architecture in this state. For purposes of this chapter, an architect designing or approving plans shall have skill, knowledge, and expertise in that scope of practice.

(4) Awning. An accessory structure, used for shade or weather protection, supported by one or more posts or columns and partially supported by a unit or other accessory structure installed, erected, or used on a lot.

(5) Awning Enclosure. An enclosure designed for outdoor recreational purposes, not for habitation, constructed under an awning or freestanding awning, which may include a screen room, and either an accessory building or structure, or a building component.

(6) Awning, Freestanding. An accessory structure, used for shade or weather protection, supported entirely by columns or posts and, other than with flashing, not attached to or supported by a unit or other accessory structure.

(7) Awning, Window or Door. An accessory structure, used for shading a window or door, supported wholly by the unit or other accessory building or structure to which it is attached.

(b) -B-

(1) Branch Water Service Line. That portion of the water distribution system extending from the park water main to a lot, including connections, devices and appurtenances.

(2) Building Components. Any subsystem, subassembly, or other system, constructed or assembled in accordance with the provisions of California Factory-Built Housing Law, contained in the California Health and Safety Code commencing with section 19960, designated for use in, or as part of, an accessory building or structure, which may include structural, electrical, mechanical, plumbing, and fire-protection systems and other systems affecting health and safety. However, "building components" do not include appliances or equipment, such as heaters, stoves, refrigerators, or air conditioners, which have been listed and labeled by an approved testing and listing agency.

(3) Building Standard. Any rule, regulation, or other requirement adopted by the California Building Standards Commission, or a local government pursuant to Section 17958.5 of the Health and Safety Code, pertaining to the construction, plumbing, electrical, and fuel gas equipment, and installations within permanent buildings in parks. See also section 18909 division 13, part 2.5.

(c) -C-

(1) Cabana. A freestanding accessory building or structure, or building component of a unit, located immediately adjacent to and intended to increase the usable area of that unit, which is a portable, demountable, or permanent room enclosure or other building generally erected or constructed for habitation. A cabana may include closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, storage spaces, utility rooms, and similar spaces. The total floor area of a cabana(s) on a lot shall not exceed the total floor area of the unit to which it is an accessory.

(2) California Building Code. California Code of Regulations, Title 24, Part 2, as adopted and published by the California Building Standards Commission.

(3) California Electrical Code. California Code of Regulations, Title 24, Part 3, as adopted and published by the California Building Standards Commission.

(4) California Fire Code. California Code of Regulations, Title 24, Part 9, as adopted and published by the California Building Standards Commission.

(5) California Mechanical Code. California Code of Regulations, Title 24, Part 4, as adopted and published by the California Building Standards Commission.

(6) California Plumbing Code. California Code of Regulations, Title 24, Part 5, as adopted and published by the California Building Standards Commission.

(7) California Residential Code. California Code of Regulations, Title 24, Part 2.5, as adopted and published by the California Building Standards Commission.

(8) Carport. An accessory structure for vehicle parking, used for shade or weather protection, supported by one or more posts or columns and partially supported by a unit or other accessory structure installed, erected, or used on a lot.

(9) Carport, Freestanding. An accessory structure for vehicle parking, used for shade or weather protection, supported entirely by columns or posts and, other than flashing, not attached to or supported by a unit or other accessory structure.

(10) Certificate of Occupancy. A document issued by the enforcement agency when an MH-unit or commercial modular, installed on a foundation system, is approved for occupancy by the enforcement agency.

(11) Certification. The department's stamp of approval applied to the earthquake resistant bracing system manufacturer's plans and installation instructions.

(12) Cited Person. A person or entity issued a notice of violation for a violation of this chapter or applicable laws who is responsible for its correction.

(13) Combustible. As applied to building construction is any material or construction which does not meet the criteria of noncombustible as defined in subsection (n) of this section.

(14) Common Area. An area, within the boundaries of the park, that is not specific to any lot or space and is under the ownership and control of the park.

(15) Commercial Modular. "Commercial modular" means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in section 635 of the Vehicle Code. "Commercial coach" has the same meaning as "commercial modular" as that term is defined in section 18001.8 of the Health and Safety Code.

(16) Concrete Block Pier. An assembly of load-bearing, concrete blocks with wooden wedges used to support and level a unit.

(17) Concrete Pier. A concrete load-bearing support that incorporates into its structure an adjustable means of raising and leveling the unit.

(18) Contractor. Any person as defined in Business and Professions Code sections 7026 through 7026.3.

(d) -D-

(1) Department. The Department of Housing and Community Development.

(2) Dependent Unit. A unit not equipped with a toilet and sewage disposal system. All camping cabins and tents are dependent units.

(3) Drain Connector. The extension, from a unit or accessory building or structure drain outlet, to the lot drain inlet.

(4) Drain Outlet. The discharge end of a unit or accessory building or structure's, sewage drainage system.

(5) Dry Camp. A camping area where a supply of potable water is unavailable within the camping area.

(e) -E-

(1) Earthquake Resistant Bracing System (ERBS). An anchoring system, bracing system, or other device designed and constructed for the purpose of protecting the health and safety of the occupants of, and reducing damage to, an MH-unit in the event of an earthquake. See also, "ERBS."

(2) Electrical Feeder Assembly. The overhead or underchassis feeder conductors, including the equipment grounding conductor, together with the necessary fittings and equipment, designed for the purpose of delivering energy from the lot electrical service equipment to the branch circuit distribution panelboard of the unit or accessory building or structure.

(3) Electrical Service, Park. The conductors and equipment for delivering electrical energy from the electrical supply system or the generator of an isolated plant, to the electrical wiring system of the park.

(4) Electrical System, Park-Primary. That part of the electrical wiring system of the park distributing electrical energy to the park's secondary electrical system.

(5) Electrical System, Park-Secondary. That part of the electrical wiring system of the park distributing electrical energy at a nominal 120 or 120/240 volts, single phase.

(6) Electrical Wiring System, Park. All of the electrical equipment, appurtenances and related electrical installations outside of permanent buildings, units, and accessory buildings or structures within a park.

(7) Emergency. An occurrence constituting a present or imminent serious risk to life, health, safety, or property requiring immediate correction.

(8) Energize. The act of applying electrical energy, or gas or water pressure.

(9) Enforcement Agency. The Department of Housing and Community Development, or any city, county, or city and county that has assumed responsibility for the enforcement of this chapter and chapter 2.2 pursuant to sections 18300 and 18865 of the Health and Safety Code.

(10) Engineer. A person registered with the State of California as a professional engineer qualified to practice engineering in this state. For purposes of this chapter, an engineer designing or approving plans shall have skill, knowledge, and expertise in that scope of practice.

(11) Equipment. All materials, appliances, devices, fixtures, fittings, or accessories used in the structural, fire safety, plumbing, mechanical, and electrical systems of units, accessory buildings and structures, buildings, structures, infrastructures, and systems subject to this chapter.

(12) ERBS. The acronym for an earthquake resistant bracing system.

(13) ERBS-Manufacturer. A person, firm or business engaged in assembly or construction of earthquake resistant bracing systems for MH-units.

(14) ERBS-Manufacturer's Installation Instructions. The specific written directions for an earthquake resistant bracing system to be installed on or under MH-units.

(f) -F-

(1) Feeder. The conductors for conveying electrical energy between any two points in the park's electrical, wiring system excluding electrical feeder assemblies.

(2) Fence. A freestanding vertical structure erected to enclose an area or act as a barrier generally constructed of posts, boards, wood, wire stakes or rails.

(3) Fire Agency. A city, county, or city and county fire department, or fire district.

(4) Fire Hydrant. A connection to a water source for the purpose of supplying water to a fire hose or other fire protection apparatus, and for the purposes of this chapter, includes a standpipe.

(5) Fire Hydrant, Private. A fire hydrant including wet standpipes owned by the park.

(6) Fire Hydrant System. All fire hydrants, water piping, pumps, tanks, and valves attached to the water system supplying the hydrants.

(7) Footing. The portion of a support, in direct contact with the ground, that distributes imposed loads to the soil.

(8) Forms

(A) Annual Permit To Operate (local enforcement agency), HCD 503B, dated 7/04.

(B) Application For Alternate Approval, HCD 511, dated 7/04.

(C) Application For Certification Of Manufactured Home Or Mobilehome Earthquake Resistant Bracing System, HCD 50 ERBSCERT, dated 7/04.

(D) Application For Permit To Construct, HCD 50, dated 7/04.

(E) Application to Install Mobilehome/Manufactured Home Earthquake Resistant Bracing System, HCD 50 ERBS, dated 7/04.

(F) Application For Permit To Operate, HCD 500, dated 7/04.

(G) Application For Standard Plan Approval, HCD 520, dated 7/04.

(H) Certificate of Occupancy, HCD 513C, dated 7/04.

(I) Floodplain Ordinance Compliance Certification For Manufactured Home/Mobilehome Installations, HCD 547, dated 7/04.

(J) Manufactured Home or Mobilehome Installation Acceptance (Local Enforcement Agency), HCD 513B, dated 7/04.

(K) Manufactured Home or Mobilehome Installation Acceptance, HCD 513A, dated 7/04.

(L) Permit To Operate (local enforcement agency), HCD 500A, dated 7/04.

(M) Plot Plan, HCD 538, dated 7/04.

(N) Private Fire Hydrant Test And Certification Report, HCD MP 532, dated 01/07.

(O) School Impact Fee Certification, HCD MP 502, dated 7/04.

(9) Foundation System.

An assembly of materials designed and engineered by an architect or engineer to resist the imposition of external forces once the MH-unit or commercial modular is installed upon it. The installation on a foundation is classified as one of the following:

(A) Foundation installation — a fixture or improvement to real property, recorded with the county recorder's office, once recorded is no longer personal property, and which complies with the requirements of Health and Safety Code section 18551(a); or

(B) Chattel installation — neither a fixture nor an improvement to real property, not recorded with the county recorder's office, remains personal property, and which complies with the requirements of Health and Safety Code section 18551(b).

(g) -G-

(1) Garage. An enclosed accessory building or structure located on a lot and designed for the storage of motorized vehicles.

(2) Gas Connector. A flexible connector, listed for exterior use, to convey gas from a gas riser outlet to the gas supply connection of a unit.

(3) Gas Piping, Main. A distribution line that serves as a common source of supply for more than one service line.

(4) Gas Piping System, Park. The pipe, equipment and related installations, outside of permanent buildings, units, or accessory buildings or structures, for distributing gas throughout the park.

(5) Gas Riser Outlet. That portion of a park gas service line or gas piping system, extending above ground, serving a lot.

(6) Gas Service Line. The pipe or that portion of a park gas piping system, extending from the main park gas line to the individual gas riser outlet serving a lot.

(7) Good Cause. What the enforcement agency would find to be a reasonable basis for failing to appear at the time and place scheduled for an informal conference or hearing; for extending the date of an informal conference or hearing pursuant to sections 1754 or 1756; or for not complying with a specified timeline.

(8) Greenhouse. An accessory structure constructed mainly of translucent or transparent materials used for the cultivation of plants.

(9) Gross Floor Area. The floor area enclosed within the surrounding exterior walls of a unit, accessory building or structure, or portions thereof. Where there are no walls, "Gross Floor Area" means the usable area contained within the horizontal projection of the roof and floor.

(10) Ground Anchor. That part of a tiedown assembly that is inserted into the ground.

(11) Guardrail. A vertical barrier erected along the open edges of a porch or other elevated area to prevent persons from falling to a lower level.

(h) -H-

(1) Habitable Room or Structure. Any structure or room within a structure meeting the requirements of this chapter for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as awning enclosures, closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, unfinished cellars, utility rooms, and similar spaces.

(2) Handrail. A railing provided for grasping with the hand for support, erected along one or more edges of a stairway or ramp.

(3) Hearing. The informal hearing procedure of the enforcement agency conducted by the director or his or her designee, as the authorized representative of the enforcement agency pursuant to Government Code section 11445.20 subdivision (c), including, but not limited to, matters filed pursuant to Health and Safety Code sections 18301, 18402, 18403, 18420, 18421, 18513 and 18613.7.

(4) Hearing Officer. The authorized representative of the enforcement agency, or other official authorized to conduct hearings.

(i) -I-

(1) Independent Unit. A unit equipped with a toilet and designed to be connected to a lot sewer inlet.

(2) Identification Label. A decal, tag, or label indicating acceptance by the department of a standard plan for an accessory building or structure.

(3) Insignia or Label of Approval. A tag or label required pursuant to Health and Safety Code section 18026, or 18027.3 and permanently affixed to each section of a unit indicating compliance with applicable regulations of the department or with the Federal Manufactured Home Construction and Safety Standards, Title 24 of the Code of Federal Regulations, Part 3280.

(j) -J-Reserved

(k) -K-Reserved

(l) -L-

(1) Landing, Stairway. An individual platform, not to exceed twelve (12) square feet, usually at the top or bottom of a stairway, to ease the transition from a stairway to a level walking surface. Landings for ramps must comply with requirements in the California Building Code.

(2) Lath structure. An accessory structure of open design, having no solid roof or walls.

(3) Listed. All equipment, materials, products, and installations included in a list published by an approved listing agency.

(4) Listing Agency. An independent agency approved by the department that:

(A) is in the business of listing and labeling equipment, materials, products, or installations; and

(B) maintains a periodic inspection program on current production of listed equipment, materials, or products or periodic evaluations of listed installations; and

(C) makes available at least annually a published report of listings that includes specific information about the nationally recognized standard with which each item complies and the manner in which the item is safe for use, or information about the listed equipment, material, product, or installation that has been tested and found suitable for use in a specified manner.

(5) Load. Any of the forces that a structure is designed to withstand, including any permanent force such as the weight of a roof, known as a dead load; any moving or temporary force, such as the weight of occupants, known as a live load; wind loads imposed by wind activity; and seismic loads imposed by seismic activity.

(6) Lot Access. An unobstructed way or means of approaching a roadway or public thoroughfare to or from a lot.

(7) Lot Electrical Service Equipment, Park. That equipment containing the means to connect or disconnect overcurrent protective devices and receptacles, or other means for supplying a unit, listed appliance, accessory building or structure, or building component from the park's electrical supply.

(8) Lot Line Change. The alteration, movement, or shifting of a lot line for an existing lot.

(9) Lot Line Creation. The initial establishment of a lot line for a new lot.

(10) Lot Water Service Outlet, Park. That portion of the park's water distribution system, including equipment and devices, provided with a fitting for connecting a unit's water connector.

(m) -M-

(1) MH-unit. A term, as used in this chapter, to replace references to "mobilehome, manufactured home, and a multifamily manufactured home."

(2) Maintenance Inspection. A general park inspection by the enforcement agency, undertaken pursuant to Health and Safety Code section 18400.1 in effect at the time of the inspection.

(3) Mobilehome/Manufactured Home Installation Acceptance Certificate. A document issued by the enforcement agency when an MH-unit is approved for occupancy by the enforcement agency pursuant to Health and Safety Code section 18613 or 18551(b).

(4) Model. A specific design or style of an accessory building or structure, foundation system, earthquake resistant bracing system, or tiedown system designed as a specific assembly of component structural parts. Any difference in materials or construction or dimensions, which affect the structural design, shall constitute a different model.

(n) -N-

(1) N.F.P.A. An acronym for the National Fire Protection Association.

(2) Noncombustible. As applied to building construction is any material which meets the criteria for "noncombustible" as specified in the California Building Code.

(3) Nuisance. A "nuisance" is as defined in Civil Code section 3479; "private nuisance" is as defined in Civil Code section 3481; and "public nuisance" is as defined in Civil Code section 3480 and Penal Code section 370.

(o) -O-

(1) Occupant. For the purposes of this chapter, means a person who lawfully occupies a unit on a lot.

(2) Occupied Area. The total of all the space occupied by a unit, including eave overhangs and projections; building components; and all accessory buildings or structures on a lot.

(3) Operator. The person or entity to whom a permit to operate is issued by the enforcement agency.

(4) Owner. The person or entity that legally owns or possesses an item, property, or business through title, lease, registration or other legal document.

(p) -P-

(1) Park. For purposes of this chapter, is any manufactured housing community or mobilehome park.

(2) Park Trailer. A recreational vehicle as defined in Health and Safety Code section 18009.3.

(3) Patio. A paved or raised area not to exceed eight (8) inches in height above grade, used for access or recreational activities.

(4) Permanent Building. Any permanent structure under the control and ownership of the park owner or operator which is not on a lot and is expressly used in the operation of the park such as for the park office, a community center, or park storage facilities.

(5) Permit to Operate. A permit issued annually by the enforcement agency authorizing operation of a park.

(6) Pier. A vertical support constructed of concrete, steel, or concrete block for the transmission of loads from a unit, accessory building or structure, or building component, to a footing. A pier does not include the footing.

(7) Porch. A freestanding, outside walking platform with an area exceeding twelve (12) square feet, having a floor or deck surface elevated more than eight (8) inches above grade.

(8) Power Supply Cord. A flexible cord assembly of conductors, including a grounding conductor, connectors, attachment plug cap, and all other fittings, grommets, or devices, designed for the purpose of delivering electrical energy from the park's lot electrical service equipment to the branch circuit distribution panelboard of the unit.

(9) Private Fire Hydrant. See "Fire Hydrant, Private".

(q) -Q-Reserved

(r) -R-

(1) Ramada. Any freestanding roof, or shade structure, installed or erected above a unit or accessory building or structure or any portion thereof.

(2) Ramp. An accessory structure providing a sloping path of travel, intended for pedestrian traffic.

(3) Recreational Vehicle. A vehicle as defined in section 18010 of the Health and Safety Code and includes a park trailer, as defined in Section 18009.3 of the Health and Safety Code.

(4) Registered Owner. A person registered by the appropriate department as the owner of the unit.

(5) Responsible Person. For purposes of this chapter, is any of the following:

(A) The park owner or operator for park-owned property or facilities.

(B) An available person, employed by the park for emergencies, as defined in section 18603 of the Health and Safety Code.

(C) Any person or entity that obtains a permit to construct.

(D) The owner of a unit, accessory building or structure, or building component.

(6) Retaining Wall. A wall designed to resist the lateral displacement of soil or other materials.

(7) Roadway. A thoroughfare for vehicular traffic within a park.

(s) -S-

(1) Sanitation Station, Recreational Vehicle. A plumbing receptor designed to receive the discharge of sewage holding tanks of self-contained recreational vehicles and which is equipped with a water hose connection for washing the receptor.

(2) Sewage Drain Lateral. That portion of the park sewage system that extends to an individual lot drain inlet.

(3) Sewage Drainage System. All the piping within or attached to the unit or accessory building or structure that conveys sewage or other liquid wastes to the drain outlet.

(4) Sewer, Park. That part of the park sewage drainage system beginning at the lot drain inlet or from a point two (2) feet downstream from a permanent building drain connection and terminating at the public sewer or private sewer disposal system.

(5) Shall. "Shall" means required, and includes "must" and "will".

(6) Signed. When required by this chapter to verify a permit, plans, or other document, means use of an original or "wet" stamp or signature, or both, of the architect, engineer, or other person verifying the plan, permit, or other document. When such verification is not required by this chapter, an enforcement agency shall not require an original or "wet" stamp or signature, or both.

(7) Skirting. Material used to enclose or partially enclose the area under a unit or accessory building or structure.

(8) Standard Plan Approval (SPA). A plan approved, by the department, for an accessory building or structure, an engineered tiedown system, or a foundation system, to be installed or constructed on a repetitive basis, for the purpose of obtaining a construction permit through an enforcement agency.

(9) Stairway. A step or any configuration of steps or risers where the run (length) of an individual tread or step does not exceed thirty (30) inches, and which is designed to enable passage from one elevation to another.

(10) Steel Pier. A steel support that incorporates into its structure an adjustable means of raising and leveling the unit or accessory building or structure that the pier supports.

(11) Storage Building. An accessory building that may exceed ten (10) feet in height or one hundred twenty (120) square feet of gross floor area located on a lot, designed and used solely for storage of the personal equipment and possessions of the unit's occupants. The construction of a storage building shall comply with the California Building Standards Code, and a permit to construct is required from the enforcement agency.

(12) Storage Cabinet. An accessory structure, not exceeding ten (10) feet in height or one hundred twenty (120) square feet of gross floor area, located on a lot, designed and used solely for the use and storage of the personal equipment and possessions of the unit's occupants.

(13) Support. The entire pier and footing assembly, used to transfer the loads of a unit, accessory building or structure, or building component to the ground.

(14) Support System. A system of supports which sustains the vertical loads of a unit, accessory building or structure, or building component. A support system does not include a foundation system.

(15) Surcharge, Surcharge Load. A surcharge is a vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil.

(t) -T-

(1) Technical Service. The providing of interpretation and clarification by the enforcement agency of technical data and other information relating to the application of this chapter.

(2) Tensioning Device. A mechanical device that is part of a tiedown assembly. The tensioning device allows a person to eliminate any slack in the tiedown assembly and maintain the tension established when the slack is eliminated.

(3) Testing Agency. An organization which:

(A) Is in the business of testing equipment and installations;

(B) Is qualified and equipped for such experimental testing;

(C) Is not under the jurisdiction or control of any manufacturer or supplier for any affected industry;

(D) Maintains at least an annual inspection program of all equipment and installations currently listed or labeled;

(E) Makes available a published directory showing current listings of manufacturer's equipment and installations which have been investigated, certified and found safe for use in a specified manner and which are listed or labeled by the testing agency; and

(F) Is approved by the department.

(4) Tiedown Assembly. An assembly of component parts that has been tested and listed by agencies approved by the department as complying with the requirements of section 1336.1 of this chapter.

(5) Tiedown System. A tiedown system is used in conjunction with a support system and consists of the total number of tiedown assemblies required to provide a manufactured home or mobilehome with resistance to wind loads.

(u) -U-

(1) Unit. A manufactured home, mobilehome, a multifamily manufactured home, or recreational vehicle.

(v) -V-

(1) Violation. A failure to conform to the requirements of this chapter, or any other applicable provision of law.

(2) Violation, Maintenance. A violation discovered during a maintenance inspection performed pursuant to section 18400.1 of the Health and Safety Code.

(w) -W-

(1) Water Connector. The flexible extension connecting the water distribution system of the unit or accessory building or structure to the park's lot water service outlet.

(2) Water Distribution System. All of the water supply piping within a park, extending from the main public supply or other source of supply to the park's lot water service outlets and including branch service lines, fittings, control valves, and appurtenances.

(3) Water Main, Park. That portion of the water distribution system which extends from the main, water meter, or other source of supply to the branch water service lines.

(4) Water Supply Connection. The fitting or point of connection of the unit's or accessory building or structure's water distribution system designed for connection to a water connector.

(5) Working Days. All days except Saturdays, Sundays, and applicable local, state and federal holidays.

(6) Workmanlike. Work performed to the acceptable quality of generally recognized industry standards that does not compromise strength, function, or durability.

(x) -X-Reserved

(y) -Y-Reserved

(z) -Z-Reserved

AUTHORITY:

Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 11445.20, Government Code; and Sections 18007, 18008, 18008.5, 18008.7, 18009.3, 18010, 18013.4, 18200, 18206, 18213, 18214.5, 18400.1, 18402, 18403, 18404, 18420, 18421, 18513, 18551, 18554, 18603, 18610, 18612, 18613, 18613.4, 18613.5, 18613.7, 18630, 18640, 18670, 18690, 18691, 18909, 19996 and 19977, Health and Safety Code.

HISTORY:

1. Repealer and new section filed 8-22-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 9-8-94 as an emergency; operative 9-19-94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-17-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment refiled 1-18-95 as an emergency, including new subsection (hhh) and subsection relettering; operative 1-17-95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-18-95 order including amendment of subsection (kk) transmitted to OAL 3-31-95 and filed 5-12-95 (Register 95, No. 19).
5. Amendment of section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
6. Amendment of section and Note filed 7-22-2005; operative 7-22-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
7. Editorial correction of subsections (c)(14) and (l) and History 6 (Register 2005, No. 33).
8. Amendment of subsections (a)(3), (e)(10), (f)(8)(M) and (s)(8) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
9. Amendment of subsection (f)(2), new subsections (f)(8)(E) and (g)(3), subsection; renumbering, amendment of newly designated subsections (g)(5)-(6) and amendment of subsections (m)(1), (n)(2) and (u)(1) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
10. New subsections (c)(7), (h)(3) and (s)(6), subsection renumbering, amendment of subsection (g)(7) and newly designated subsections (s)(11)-(12) and amendment of Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
11. Amendment of subsections (c)(1) and (d)(2)-(5), new subsection (s)(15) and amendment of Note filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1004. Local Enforcement

(a) Assumption of responsibility for the enforcement of Parts 2.1 and 2.3 of Division 13, of the California Health and Safety Code and the provisions of Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2, relating to enforcement within parks by a city, county, or city and county, shall be by means of an ordinance of the city council or board of supervisors which shall contain the following information and be subject to department approval:

(1) Indication of assumption of responsibility for enforcement of the Health and Safety Code, Parts 2.1 and 2.3 of Division 13, and Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(2) Name of the agency or agencies delegated enforcement responsibilities.

(3) A statement that the designated local enforcement agency will provide qualified personnel necessary to enforce Parts 2.1 and 2.3, of Division 13 of the Health and Safety Code, and the provisions of Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2 consistent with those laws and regulations. The statement shall include the total number of personnel assigned to the enforcement program.

(4) One copy of any contract, memorandum of understanding, or other document governing delegation of responsibilities and services to a local government agency other than the local government assuming responsibility for Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code, and Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(5) Adoption of the applicable schedule of fees contained in the provisions of Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code, and Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(A) A statement adopting the state program and objectives as contained in Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code, and Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(B) A description of existing parks within the local jurisdiction, including conditions and type of park.

(C) Specific local objectives, program plan and timetable designed to achieve enforcement compliance.

(6) Effective date of assumption of enforcement.

(b) One certified copy of the ordinance shall be forwarded to the Administrative Office of the Division of Codes and Standards, P.O. Box 1407, Sacramento, CA 95812–1407 not less than thirty (30) days before the designated effective date of assumption of enforcement.

(c) A statement that the following forms provided by the department will be used:

(1) HCD 500A, Application for Permit to Operate;

(2) HCD 503B, Annual Permit to Operate;

(3) HCD 513B, Manufactured Home or Mobilehome Installation Acceptance;

(4) HCD 513C, Certificate of Occupancy.

(d) The department shall determine the local agency's knowledge and ability to apply the requirements of Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2, and the applicable Health and Safety Code requirements. The department's determination may include, but is not limited to, verification of the local agency's ability and knowledge through performance of activities that may include inspection, records review, and interviews of assigned personnel.

(e) Upon completion of the transfer, the new enforcing agency shall notify, in writing, the parks within its jurisdiction of the change in enforcement and the designated department or departments responsible for enforcement and permit issuance.

(f) Every enforcement agency shall comply with the verification of eligibility to receive public benefit requirements of Title 25, California Code of Regulations, Division 1, Chapter 5.5, commencing with section 5802, of applicants for permits to operate mobilehome parks or special occupancy parks.

(g) Notwithstanding the provisions of section 1005.5 of this article, in order to ensure that the orderly transition of assumption of enforcement occurs when a park, or permanent building within a park, is under construction, the enforcement responsibilities for that construction shall be transferred, as well as all pertinent information pertaining to that construction including, but not limited to, plans, calculations, testing information, inspection reports and correction notices, on the date as determined by the department.

(h) The local enforcement agency shall send a copy of each permit to operate it has renewed, within thirty (30) days after renewal to the department's Division of Codes and Standards, at the address designated by the department at the time of assumption.

(i) When a local enforcement agency proposes changes in the local division or personnel responsible for enforcing the provisions of this chapter, Chapter 2.2 and sections 18200 through 18874 of the Health and Safety Code, that agency shall notify the department at least thirty (30) days prior to the proposed date of the changes. The department may perform a reevaluation to determine whether the personnel have the required knowledge and ability as required in subsection (d) of this section.

(j) When a local enforcement agency changes its address, phone number, or contact person, it shall notify the Administrative Office of the department in writing within thirty (30) days of the change.

AUTHORITY:

Note: Authority cited: Sections 18300, 18613 and 18865, Health and Safety Code. Reference: Title 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 18207, 18300, 18505, 18506, 18613 and 18865, Health and Safety Code.

HISTORY:

1. Repealer of former Section 1004, and renumbering and amendment of former Section 1010 to Section 1004 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. New subsection (e), subsection relettering and amendment of Note filed 3–20–98 as an emergency; operative 4–6–98 (Register 98, No. 12). A Certificate of Compliance must be transmitted to OAL by 8–4–98 or emergency language will be repealed by operation of law on the following day.
3. New subsection (e), subsection relettering and amendment of Note refiled 8–4–98 as an emergency; operative 8–4–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–2–98 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 8–4–98 order transmitted to OAL 12–1–98 and filed 1–14–99 (Register 99, No. 3).
5. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
6. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
7. Editorial correction of 6 (Register 2005, No. 33).
8. Amendment of subsection (g) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1004.5. Complaint Investigations

(a) When a complaint alleging violations of this chapter, or sections 18200 through 18700 of the Health and Safety Code is referred to a local enforcement agency, the local enforcement agency shall do the following:

(1) Make reasonable efforts to contact the complainant to discuss the complaint. If the issue addressed within the complaint exceeds the authority or jurisdiction of the enforcement agency, the complainant shall be so advised, and shall be directed, when possible, to the appropriate governing entity.

(2) Investigate allegations of violations representing an immediate risk to life, health, or safety within five (5) days of receipt of the complaint by the agency.

(3) Investigate allegations of violations representing an unreasonable risk to health or safety within thirty (30) days of receipt by the agency.

(4) Discuss the results of the investigation with the complainant, or provide the results in writing, if requested by the complainant.

(b) When a complaint is referred to a local enforcement agency from the Office of the Mobilehome Ombudsman (Office), the local enforcement agency shall, no later than thirty–five (35) days following its receipt of the complaint, submit a written report detailing the final results of the investigation to the Office, or its designee.

(c) When an inspection as a result of a health and safety complaint results in a written order to correct for a violation of this chapter and a reinspection reveals that the cited person failed to correct the violation, the enforcement agency shall be compensated by the person responsible for correction of violation for any subsequent reinspection to verify correction of the violation at the following hourly rate.

(1) First hour: one hundred ninety–six dollars ($196).

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes or fractional part thereof: forty–one dollars ($41).

AUTHORITY:
Note: Authority cited: Sections 18153 and 18300, Health and Safety Code. Reference:; Sections 18153, 18300, 18400, 18400.3 and 18407, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Editorial correction of section heading (Register 2005, No. 33).
3. New subsections (c)-(c)(1)(B) filed 12/29/2005; operative 1/1/2006 (Register 2005, No. 52).

§ 1005. Local Government's Cancellation of Enforcement Responsibility

(a) An enforcement agency intending to relinquish responsibility for enforcement authority shall advise the department, no less than ninety (90) days prior to initiating the requirements of subsection (b).

(b) A governing body canceling its enforcement responsibility shall complete the following to the department's satisfaction before the transfer is effective:

(1) provide written notification to the department not less than ninety (90) days prior to the proposed effective date of the action, along with a copy of the adopted ordinance repealing enforcement responsibility;

(2) remit the appropriate fees to the department as identified in section 1006 of this article on or before the date of transfer of responsibility; and

(3) transfer all park records to the department on or before the effective date of the transfer of enforcement responsibility.

(c) When the local agency cancels its enforcement responsibility for this chapter, its responsibility for enforcement of chapter 2.2 of this division is also cancelled.

(d) When a local enforcement agency has canceled its assumption of responsibility for enforcement and desires to reassume enforcement, it must reapply in compliance with the requirements contained in section 1004 of this article.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18865, Health and Safety Code. Reference: Sections 18207, 18300 and 18865, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (a) and (b)(1) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1005.5. Revocation of Local Enforcement Authority

(a) When the department determines that a local enforcement agency has failed to properly enforce Parts 2.1 or 2.3, of division 13, of the Health and Safety Code, or Title 25, California Code of Regulations, division 1, chapters 2 or 2.2, the department shall notify the governing body of the local enforcement agency by providing written documentation which identifies the deficiencies requiring correction.

(b) The local enforcement agency shall have thirty (30) days from the date it receives the department's written determination to initiate correction of the deficiencies. Initiation of correction shall mean:

(1) Completion of a written plan of action submitted to the department identifying the corrective action for each deficiency including at least the following:

(A) Acknowledgement of the deficiencies.

(B) The action to be taken to correct each deficiency.

(C) The personnel involved in the correction.

(D) Timelines for completion of all corrections.

(E) Ongoing oversight to prevent reoccurrences of noted deficiencies.

(2) Implementation of the plan of action by the local enforcement agency and other actions required by the department prior to completion of the plan of action.

(c) The department shall, within thirty (30) days of receipt of the plan of action, review and provide a written response to the governing body regarding the proposed plan.

(d) If the local enforcement agency fails to prepare an adequate plan of action or implement corrective measures within thirty (30) days regarding the deficiencies specified in subsection (a), the department may revoke its approval of local assumption responsibility and resume enforcement responsibilities.

(e) Within thirty (30) days following the department's revocation of assumption approval, remit the appropriate fees as defined in section 1006 of this article and transfer all park records to the department.

(f) When a local enforcement agency has had its assumption of responsibility for enforcement revoked and desires to reassume enforcement, it must reapply following the requirements contained in section 1004 of this article.

AUTHORITY:
Note: Authority cited: Section 18300 and 18865, Health and Safety Code. Reference: Section 18300 and 18865, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1006. Transfer of Authority—Disbursal of Fees

(a) When a city, county, or city and county assumes responsibility for the enforcement of parts 2.1 and 2.3, of division 13 of the Health and Safety Code, and Title 25, California Code of Regulations, division 1, chapters 2 and 2.2, cancels its assumption of such responsibility, or has assumption approval cancelled by the department during the permit renewal year, collected for the annual permits to operate, other than state fees pursuant to section 1008(a)(4) of this article, shall be returned in an amount equal to the percentage of the year remaining before the permits to operate expire.

(b) The additional four dollar ($4) per lot fee collected for park maintenance inspections shall be remitted in an amount equal to the percentage of the year remaining before the permits to operate expire.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18300, 18400.1 and 18502, Health and Safety Code.
HISTORY:
1. Repealer of former Section 1006, and renumbering and amendment of former Section 1012 to Section 1006 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1006.5. Permit to Operate Required

No person shall operate a park, or a portion of a park, or rent, lease, sublease, hire out, or let out for occupancy any new or existing lot in a park without a current permit to operate issued by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500 and 18505, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1007. Applicant Documentation

When applying for a permit to operate a park, or for the renewal or amendment of any such permit, if the applicant has not previously been determined to be eligible to receive public benefits, the applicant shall present to the enforcement agency such documentation as the department may require to demonstrate the applicant's eligibility to receive public benefits pursuant to Title 25, California Code of Regulations, division 1, chapter 5.5, beginning with section 5802.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Title 8, U.S.C. Sections 1621, 1641 and 1642; and Section 18300, Health and Safety Code.
HISTORY:
1. New section filed 3–20–98 as an emergency; operative 4–6–98 (Register 98, No. 12). A Certificate of Compliance must be transmitted to OAL by 8–4–98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 8–4–98 as an emergency; operative 8–4–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–2–98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 8–4–98 order, including amendment of section, transmitted to OAL 12–1–98 and filed 1–14–99 (Register 99, No. 3).
4. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1008. Annual Permit to Operate Fees

(a) Permit to operate fees shall be as follows:

(1) An annual permit to operate fee of one hundred forty dollars ($140); and

(2) An additional seven dollars ($7) per lot; and

(3) An additional four dollars ($4) dedicated per manufactured home or mobilehome lot to park maintenance inspections, and

(4) A state fee as contained in Table 10081.

Table 10081

Number of Lots	State Fee
2–19	$40
20–49	$75
50–99	$175
100–249	$400
250–499	$800
500 or more	$1,600

(b) The state fee is required to be paid annually.

(c) When a city or county assumes responsibility for enforcement in accordance with section 1004 of this chapter, it shall bill the parks in its jurisdiction for the permit to operate on a calendar year, with the park permit to operate valid from January 1st through December 31st. Upon transfer, the next year's billing will be prorated to account for the difference in the billing cycle.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18502.5, Health and Safety Code. Reference: Sections 18502 and 18502.5, Health and Safety Code.
HISTORY:
1. Repealer and new section filed 8-22-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of subsection (a) filed 11-29-88; operative 12-29-88 (Register 88, No. 52).
3. Amendment of section heading, section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
4. Change without regulatory effect amending subsections (a)(1) and (a)(2) filed 9-17-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 38).
5. Change without regulatory effect amending subsection (a)(2) filed 10-29-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 44).
6. Amendment of subsection (a)(3) and new subsection (c) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1009. Permit to Operate—Penalty Fees

(a) Permits to operate shall have the following penalty fees applied as applicable:

(1) When an application is submitted thirty (30) days after the due date, the permit to operate fees shall be increased an amount equal to ten (10) percent of the established fee.

(2) When an application is submitted sixty (60) or more days late, the permit to operate fees shall be increased an amount equal to one hundred (100) percent of the established fee.

(3) Any park commencing operation without a valid permit to operate shall pay double the established fees and those fees shall be due upon demand of the enforcement agency.

(b) The postmark shall be used to determine the submittal date for imposing annual permit to operate penalty fees prescribed by Health and Safety Code section 18506.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18504 and 18506, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former Section 1016 to Section 1009 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 11–29–88; operative 12–29–88 (Register 88, No. 52).
3. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1010. Permit to Operate—Construction Completed

(a) Upon final approval by the enforcement agency of the construction of lots and facilities, the applicant shall submit an application for a permit to operate, or amended permit to operate, on a form designated by the department in section 1002 of this article, together with appropriate fees as specified in sections 1008 and 1009 of this article, to the enforcement agency. The designated form shall be submitted as follows:

(1) When the department is the enforcement agency, the applicant shall submit the application for permit to operate to the department. Upon approval of the application by the department, an annual permit to operate shall be issued to the applicant.

(2) When a local enforcement agency has enforcement responsibilities, the applicant shall submit the application to that agency. Upon approval of the application by the local enforcement agency, that agency shall provide one copy of the approved application to the applicant and, within five (5) working days after approval, one copy, along with the state fees required by section 1008 of this article, to the Division of Codes and Standards, P.O. Box 1407, Sacramento, CA 95812–1407. The Division of Codes and Standards shall issue the initial permit to operate within ten (10) working days

of receipt of the approved application. The department shall provide copies of the permit to operate to the applicant and the local enforcement agency. Subsequent years' annual permits to operate shall be issued by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18502 and 18505, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former Section 1010 to Section 1004, and renumbering and amendment of former Section 1018 to Section 1010 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1012. Department Copies of the Annual Permit to Operate and Related Fees

(a) Local enforcement agencies shall send a copy of each issued annual permit to operate to the Division of Codes and Standards within thirty (30) days following its issuance.

(b) All local enforcement agencies shall forward to the Division of Codes and Standards, the state fees paid by the applicant pursuant to section 1008 of this article within thirty (30) days of receipt.

(c) The department shall provide a supply of the annual permit to operate forms and application for permit to operate forms to any local enforcement agency making a request for the forms.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18502, 18502.5, 18505 and 18506, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former Section 1012 to Section 1006, and renumbering and amendment of former Section 1020 to Section 1012 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1013. Emergency Preparedness Plans

(a) Every park shall adopt an emergency preparedness plan and notify park residents how to obtain a copy of the plan. In order to obtain a permit to operate, the information in subsections (c) and (d) must be submitted to the enforcement agency upon renewal of a permit to operate after September 10, 2010, or the issuance of the initial permit for a new park, whichever comes first.

(1) After a plan is approved by the enforcement agency, it is not necessary to provide the enforcement agency with future copies unless conditions described in the plan have changed (e.g. roadway changes, addition of lots, floodplain changes, etc.).

(b) The emergency preparedness plan shall be one of the following:

(1) adopting the emergency plans and procedures contained in the Standardized Emergency Management System Advisory Board's booklet of November 21, 1997, entitled "Emergency Plans for Mobilehome Parks," published by the former Office of Emergency Services or any subsequent version, or

(2) a plan developed by park management comparable to the plans and procedures contained in the booklet described in subparagraph (1) above.

(c) Documentation submitted to the enforcement agency to obtain a permit to operate shall include at a minimum of the following:

(1) a copy of the plan available to the residents;

(2) the location of the posted notice in the park describing how the residents may obtain the plan;

(3) a copy of the notice distributed to residents that identifies additional state and local agencies' individual emergency preparedness information including, but not limited to, the California Emergency Management Agency;

(4) written verification by the park operator that all residents have received written notification on how to obtain a copy of the plan and the information required in subsection (c)(3).

(d) At a minimum the following items should be included in a park's emergency preparedness plan to be deemed consistent with or comparable to the "Emergency Plans for Mobilehome Parks" booklet, the standard defined in Health and Safety Code 18603.

(1) Maps showing evacuation routes out of the park including all exits and alternate routes and exits.

(2) The elevation of the park property if the park is in a floodplain.

(3) Type of disasters common to the area.

(4) How residents may obtain a copy of the plan.

(5) General information regarding types of disasters such as floods, earthquakes, fires, and other emergencies.

(6) Contact information for emergency government agencies including the California Emergency Management Agency (CalEMA), local fire and police department and community assistance organizations such as the American Red Cross, or other emergency agencies' contact information.

(7) Local emergency broadcast station frequencies.

(8) Information on how residents may obtain additional materials for establishing an individual household emergency plan, individual household emergency supply kits, and individual home safety recommendations.

(e) Park management is not responsible for physically evacuating residents from their homes and park residents must take personal responsibility for themselves during an emergency. Residents that may need assistance in the event of an evacuation should make prior arrangements to have that assistance available.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18500, and 18603, Health and Safety Code.
HISTORY:
1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1014. Required Reporting of Changes in Park Status

(a) An operator of a park shall submit to the enforcement agency, an application for an amended annual permit to operate within thirty (30) days of any change in the information related to the annual permit to operate. Changes in information shall include, but not be limited to:

(1) change of name, mailing address, or ownership; or

(2) change in the number of lots resulting from the sale, lease, removal, construction, or alteration of existing lots or facilities; or

(3) change of conditional uses specified on the annual permit to operate; or

(4) when a snow load roof maintenance program status is changed pursuant to section 1338 of article 7.

(b) A fee of ten dollars ($10) shall be submitted to the enforcement agency with each application to amend the annual permit to operate. Only one (1) fee of ten dollars ($10) shall be required for an amended annual permit to operate, if more than one (1) change can be processed on a single application.

(c) An amended permit to operate shall be issued by the department for additional lots constructed to an existing park. The local enforcement agency shall process the application as specified in section 1010 of this chapter for permit issuance for new construction.

(d) Notwithstanding subsection (c), when an amended permit to operate is issued by a local enforcement agency, a copy shall be forwarded to the department, within thirty (30) days, clearly marked as “Amended” on the face of the copy.

AUTHORITY:
Note: Authority cited: Section 18300 and 18502.5, Health and Safety Code. Reference: Sections 18502, 18502.5, 18505 and 18507, Health and Safety Code.
HISTORY:
1. Repealer of former Section 1014, and renumbering and amendment of former Section 1022 to Section 1014 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Repealer and new section heading and amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1016. Approval of Alternates and Equivalents

(a) When the department is the enforcement agency, a request for approval of an alternate or equivalent means of meeting the requirements of this chapter shall be submitted by the applicant to the department’s Northern or Southern area office.

(b) When a city, county, or city and county has assumed enforcement responsibility for this chapter, the applicant shall submit the request for this approval to the local enforcement agency. The local enforcement agency shall forward the request to the department’s Administrative Office of the Division of Codes and Standards, along with their written recommendation and rationale for approval or denial.

(c) The request shall be submitted on forms, as defined in Section 1002 of this chapter, provided by the department. The form shall be accompanied by one (1) set of substantiating plans and/or information together with the alternate approval fee of two hundred three dollars ($203), payable to the department.

(d) When a request for an alternate approval is for the park, or significantly affects property owned or operated by the park, including, but not limited to, grading, utilities and setbacks, only the park owner or operator may apply for the alternate approval.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18305 and 18502.5, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former Section 1016 to Section 1009, and new Section 1016 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of subsection (b) filed 11–29–88; operative 12–29–88 (Register 88, No. 52).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
4. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).
5. Amendment filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1017. Technical Service Fee

(a) Fees for technical services provided by the enforcement agency shall be:

(1) One hundred ninety–six dollars ($196) providing the technical service does not exceed one hour.

When the related technical service exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

AUTHORITY:
Note: Authority cited: Sections 18300 and 18502.5, Health and Safety Code. Reference: Sections 18502.5 and 18503, Health and Safety Code.
HISTORY:

1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 1018. Permits Required or Not Required

(a) No person shall erect, construct, reconstruct, install, replace, relocate or alter any building, structure, accessory building or structure, or building component; any electrical, mechanical, or plumbing equipment; any fuel gas equipment and installations, or fire protection equipment; or installations of, or within, a park, or a lot, or perform any non-load bearing grading or area fill with a depth of one (1) foot or greater, unless exempted from obtaining a grading permit pursuant to Appendix J of the California Building Code, without first obtaining a written construction permit from the enforcement agency.

(b) No person shall create or change a lot line within a park without first obtaining a permit from the enforcement agency pursuant to the requirements of section 1105 of this chapter.

(c) Any person issued a notice indicating violations pursuant to this section, shall obtain the required permit from the enforcement agency and provide the appropriate fees as prescribed in this article.

(d) The enforcement agency shall not require a permit to construct for the following work, when the construction is performed in a workmanlike manner, does not present a hazard, and otherwise complies with the requirements of this chapter:

(1) Minor maintenance and repair including the replacement of existing utility metering devices.

(2) Previously installed portable air conditioning equipment reinstalled with the unit installation.

(3) The installation of a storage cabinet on a lot.

(4) Construction or installation of a stairway having a landing not to exceed twelve (12) square feet.

(5) A landing not more than twelve (12) square feet in area.

(6) Construction or installation of a window or door awning.

(7) Construction or installation of removable insect screening, flexible plastic or canvas type material used as an awning or as awning or carport enclosures.

(8) Construction or installation of a retaining wall less than four (4) feet in height measured from the bottom of the footing to the top of the wall, unless it is supporting a surcharge load.

(9) Construction or installation of a patio, as defined in section 1002(p)(3).

(10) Fences not over six (6) feet high.

(11) Canvas or cloth awnings provided they meet the setback and separation requirements for combustible materials contained in section 1428 of this Chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500, 18507, 18551, 18610, 18610.5 and 18613, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former Section 1018 to Section 1010, and renumbering and amendment of former Section 1026 to Section 1018 filed 8-22-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of section and Note filed 7-22-2005; operative 7-22-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
4. Editorial correction of History 3 (Register 2005, No. 33).
5. Amendment of subsection (a) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
6. Amendment of subsection (d)(8) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
7. Amendment of section heading and subsection (d)(8) and new subsection (d)(11) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1019. Installation of Factory–Built Housing in Parks

(a) Factory–built housing, meeting the requirements of Division 13, Part 6 of the California Health and Safety Code, may be installed on a lot in a park only if all of the following conditions apply:

(1) the park was constructed on or after January 1, 1982,

(2) the park is granted a zone designation or a conditional use permit authorizing this type of permanent occupancy,

(3) it is installed on a foundation system,

(4) it does not exceed two (2) stories in height, and

(5) it is located on a specific designated lot in the park defined in the park's rules or regulations.

(b) The local jurisdiction where the park is located shall be the enforcing agency for the inspection of the installation of factory–built housing in a park. The provisions of section 19993 of the Health and Safety Code regarding zoning, snow loads, wind pressure, fire zones, setbacks, yard and development requirements, property line requirements, and architectural and aesthetic requirements for factory–built housing in parks are specifically and entirely reserved to local jurisdictions and shall apply to factory–built housing installed in parks.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18611, 19971, 19992 and 19993, Health and Safety Code.
HISTORY:
1. New section filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
2. Editorial correction of 1 (Register 2005, No. 33).

§ 1020. Application Requirements for Permits for Installations and Foundation Systems for MH-Units

(a) A person required to obtain a permit to install an MH-Unit pursuant to section 18613 or 18551 of the Health and Safety Code, shall submit an application for the permit to the enforcement agency on a form prescribed by that agency.

(1) The application shall be accompanied by fees as specified in section 1020.1 of this article.

(2) When an MH-Unit is initially installed or reinstalled on a different lot pursuant to Health and Safety Code section 18613, either a tiedown system or an engineered tiedown system must also be installed.

(3) When concrete piers or steel piers are used as the support system for an MH-Unit, the installation of the MH-Unit must include mechanical connection of each pier both to the MH-Unit and to its footing that complies with section 1336.4 of this chapter.

(4) The applicant for a permit to install an MH-Unit shall provide, with the application, a complete set of plans and specifications to include the following:

(A) A set of the manufacturer's installation instructions stamped to indicate approval by the manufacturer's design approval agency.

(B) Three copies of a plot plan of the lot on which the MH-Unit is proposed to be installed. The plot plan shall indicate the planned location of the MH-Unit, the locations of electrical, gas, water and sewer connections on the lot and all required dimensions and setbacks from the lot lines and from any buildings or accessory structures on the lot and adjacent lot. At least one (1) copy of the plot plan shall bear the original signature of the park owner or his or her designated representative.

(C) If the MH-Unit manufacturer's installation instructions do not provide for a tiedown system, the applicant shall provide either installation instructions for listed tiedown assemblies that will be installed as a tiedown system in accordance with section 1336.2 of this chapter, or a set of engineered plans and specifications for an engineered tiedown system.

(D) The appropriate application shall be accompanied by fees as specified in subsection 1020.1 of this article.

(b) Foundation Systems. When a foundation system is to be installed for an MH-Unit, a separate permit to construct the foundation system shall be obtained from the enforcement agency.

(1) The appropriate application shall be accompanied by fees as specified in subsection 1020.1 of this article.

(2) A person submitting an application for a permit to construct a foundation system shall submit three complete sets of plans and specifications in compliance with section 1034 of this chapter.

(c) Installation of a multifamily manufactured home in a park requires approval as required in subsection 1020.6 (d), along with submission of a permit application. Evidence of this approval must accompany the permit application.

(d) When the application for a permit to construct does not comply with this chapter, the enforcement agency shall notify the applicant in what respects the application does not comply within ten (10) working days of the date they are received by the enforcement agency. When the applicant resubmits the application, an additional application filing fee may be required.

AUTHORITY:
Note: Authority cited: Sections 18300, 18502.5, 18503, 18551, 18552, 18613 and 18613.4, Health and Safety Code. Reference: Sections 18008.7, 18500, 18501, 18503, 18551, 18551.1, 18611 and 18613, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former section 1020 to section 1012, and renumbering and amendment of former section 1028 to section 1020 filed 8–22–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 36).
2. Amendment of subsections (c) and (e)–(g) filed 11–29–88; operative 12–29–88 (Register 88, No. 52).
3. Amendment of section heading, text and NOTE filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of section heading, text, and Note refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1–18–95 order including amendment of subsections (c) and (g)(4) transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
6. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
7. Amendment of subsection (c) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1020.1. Fees for MH-Unit Installation and Standard Plan Approval Foundation System Permits

(a) The following fees shall apply:

(1) Installation of an MH-Unit, or a multifamily manufactured home containing not more than two (2) dwelling units, or support system alteration permit fee. One hundred ninety–six dollars ($196) provided the related inspection does not exceed one hour. When the related inspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each 30 minutes, or fractional part thereof: forty–one dollars ($41).

(2) Foundation system permit fee: refer to valuation tables in Section 1020.7of this article.

(A) Plan check fees shall not be required for a foundation system for which a standard plan approval has been obtained from the department.

(3) Reinspection Fee: One hundred seventy–eight dollars ($178) provided the related reinspection does not exceed one hour. When the related reinspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty minutes (30), or fractional part thereof: forty–one dollars ($41).

AUTHORITY:
Note: Authority cited: Sections 18300, 18502.5, 18551 and 18613, Health and Safety Code. Reference: Sections 18500, 18501, 18502, 18503, 18551 and 18613, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).
3. Amendment of subsection (a)(1) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1020.3. Application Requirements for Permits for Accessory Buildings and Structures and Building Components

(a) A person required to obtain a permit to install an accessory building or structure or building component, shall submit an application for the permit to construct to the enforcement agency, on a form prescribed by that agency.

(b) The application for the permit to construct shall be accompanied by fees as specified in section 1020.7 of this article, or section 1020.4 when using plans with a standard plan approval.

(c) A person submitting an application for a permit to construct an accessory building or structure or install a building component shall, in addition to the requirements of section 1034 of this chapter, submit three (3) copies of a plot plan for the lot where the accessory building or structure or building component is to be constructed. The plot plan shall be on the form prescribed by the department, indicating the planned location of the accessory building or structure or building component on the lot and indicate dimensions of and setbacks from the lot lines and other units or structures on adjacent lots. At least one (1) copy of the plot plan shall bear the original signature of the park owner or his or her designated representative.

(d) When any person files applications simultaneously to construct or install two (2) or more accessory buildings or structures or building components which are identical, and are within the same park, only one (1) plan check fee shall be required.

(e) If an application for a permit to construct is not complete or does not conform to the requirements of this chapter, the enforcement agency shall notify the applicant in writing within ten (10) working days of receipt of the application, as to the why the application does not comply.

(f) A single permit may be issued for all accessory buildings or structures or building components to be erected or installed concurrently on the same lot including electrical, mechanical, and plumbing installations for each accessory building or structure or building component. If the applicant requests individual permits, they may be obtained for structural, electrical, mechanical, and plumbing installations, and are subject to separate individual fees.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: 18300, 18500, 18502.5 and 18552 Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1020.4. Fees for Accessory Buildings or Structures, and Building Component Permits with a Standard Plan Approval

(a) The following permit fees shall apply for accessory buildings and structures, and building components that have a standard plan approval:

(1) Inspection fee: One hundred ninety–six dollars ($196) provided the related inspection does not exceed one hour. When the related inspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty minutes (30), or fractional part thereof: forty–one dollars ($41).

(2) Reinspection fee: One hundred seventy–eight dollars ($178) provided the related reinspection does not exceed one hour. When the related reinspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty minutes (30), or fractional part thereof: forty–one dollars ($41).

(b) Fees for accessory buildings and structures, and building components that do not have the department's standard plan approval issued in accordance with Section 1020.9 of this article, shall be determined using the valuation table contained in Section 1020.7 of this article.

(c) Electrical, mechanical, and plumbing permit fees for installations in accessory buildings or structures or building components shall not exceed those contained in this chapter.

(d) Plan check fees shall not be required for accessory buildings or structures for which a standard plan approval has been obtained from the department.

AUTHORITY:
Note: Authority cited: Section 18300, 18502.5 and 18552, Health and Safety Code. Reference: Sections 18300, 18500, 18502, 18502.5, 18503 and 18552, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of subsection (a)(3) and 3 (Register 2005, No. 33).
4. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 1020.6. Application Requirements for Permits for Park Construction or Alteration

(a) This section applies to any person submitting an application pursuant to section 1018, for a permit to construct or alter any of the following:

(1) A park;

(2) An addition to a park;

(3) An alteration to a park;

(4) A permanent building in a park;

(5) An accessory building or structure without a standard plan approval.

(b) A person who is required to obtain a permit to construct, pursuant to section 18500 of the Health and Safety Code, shall submit an application for a permit to construct to the enforcement agency, with the appropriate fees as specified in section 1020.7 of this article, on the form prescribed by that agency.

(c) A person submitting an application pursuant to this section, shall submit three (3) complete sets of plans and specifications or installation instructions, in compliance with section 1034 of this chapter.

(d) Applications for permits to construct or enlarge a park, or by installing a multifamily manufactured home(s), shall be submitted with written evidence of compliance with the California Environmental Quality Act (Public Resources Code Division 13, commencing with section 21000) and written evidence of approvals by all of the following:

(1) the local planning agency;

(2) the local health, fire, and public works departments;

(3) the local department responsible for flood control;

(4) the serving utilities; and

(5) any other state or federal agency or special district that has jurisdiction and would be impacted by the proposed construction.

AUTHORITY:
Note: Authority cited: Sections 18300, 18502.5 and 18503, Health and Safety Code. Reference: Sections 18500, 18501, 18502, 18502.5, 18503 and 18610, Health and Safety Code; and Section 21000, Public Resources Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (d) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1020.7. Permit Fees for Park Construction or Alteration

(a) Any person submitting an application for a permit to construct with plans not having a department standard plan approval, shall pay the following fees, as applicable:

(1) Permit Fee. For the purpose of determining fees, the enforcement agency may establish the permit fee in accordance with subsection (f) or (g) of this section as appropriate. However, the minimum permit fee shall be one hundred ninety–six dollars ($196) provided the initial related inspection associated with this permit does not exceed one hour. When the related inspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(2) Plan Check Fee. One–half (1/2) of the combined total of construction, mechanical, plumbing, and electrical permit fees. However, the minimum fee shall be ten dollars ($10).

(b) Reinspection Fee. One hundred seventy–eight dollars ($178) provided the related inspection does not exceed one hour. When the related reinspection exceeds one hour, the following fees shall apply:

(1) Second and subsequent whole hours: eighty–two dollars ($82).

(2) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(c) When any person files applications simultaneously to construct two (2) or more permanent buildings, or accessory buildings or structures which are identical and are within the same park, only one plan check fee shall be required.

(d) Electrical, mechanical, and plumbing permit fees shall not exceed those contained in this chapter.

(e) When plans and specifications fail to comply with the requirements of this chapter, the enforcement agency shall notify the applicant in writing, stating in what respects the plans do not comply. The applicant shall correct the plans and/or specifications and resubmit them to the enforcement agency. The following fees are required for each resubmission of plans or specifications subsequent to the initial plan check:

(1) Plan Check Fee: Two hundred three dollars ($203) provided the related plan check does not exceed one hour. When the related plan check exceeds one hour, the following shall apply:

(A) Second and subsequent whole hours: ninety–two dollars ($92).

(B) Each thirty (30) minutes, or fractional part thereof: forty–six dollars ($46).

(f) Fees for construction or alteration of facilities and installations on lots and within parks shall be the sum of the following categories comprising the proposed work subject to the minimum amounts specified in subsection (a)(1):

(1) For each lot	$5.75
(2) Electrical Permit Fees.	
Each park electrical service	14.00
Each unit substation or secondary distribution transformer	10.50
Each alteration or replacement of a service or a transformer	10.50
Each park lot electrical service equipment	7.00

Each alteration, repair, or replacement of a park lot electrical service equipment	7.00
Each street light including circuit conductors and control equipment	3.00
(3) Plumbing Permit Fees.	
Each park sewage drainage system	14.00
Each private sewage disposal system or park water treatment installation	14.00
Each lot drain inlet	7.00
Each alteration or repair of drainage or vent piping	7.00
Each park water distribution system	7.00
Each park lot water service outlet or outlets at the same location	4.25
Each fire hydrant or riser	4.25
Each individual lot water conditioning installation	4.25
Each alteration, repair or replacement of water fixtures or equipment	4.25
(4) Gas Piping Permit Fees.	
Each park gas piping system	7.00
Each installation of a liquefied petroleum or natural gas tank of 60 gallon capacity or more	7.00
Each gas riser outlet	4.25
Each alteration, repair, or replacement of park's gas piping system	4.25
(5) Each installation of equipment regulated by this for which no other fee is listed	7.00

(g) Permit fees for a permit to construct accessory buildings or structures without a standard plan approval from the department, and foundation systems, permanent buildings, and/or electrical, mechanical, and plumbing installations within or on permanent buildings, or accessory buildings or structures shall be the sum of the following categories comprising the proposed work subject to the minimum amounts specified in subsection (a)(1):

(1) Table A. Construction Permit Fees.

Total Valuation	Fee
$2,000 or less.	$45.00
$2,001 to $25,000.	$45.00 for the first $2,000 plus $9.00 for each additional thousand or fraction thereof, to and including $25,000.
$25,001 to $50,000 .	$252.00 for the first $25,000 plus $6.50 for each additional thousand or fraction thereof, to and including $50,000.
$50,001 to $100,000 .	$414.50 for the first $50,000 plus $4.50 for each additional thousand or fraction thereof, to and including $100,000.
$100,001 to $500,000	$639.50 for the first $100,000 plus $3.50 for each additional thousand or fraction thereof, to and including $500,000.
$500,001 to $1,000,000.	$2,039.50 for the first $500,000 plus $3.00 for each additional thousand or fraction thereof, to and including $1,000,000.
$1,000,001 and up.	$3,539.50 for the first $1,000,000 plus $2.00 for each additional thousand or fraction thereof.

(2) Table B. Mechanical and Plumbing Permit Fees.

Each plumbing fixture, trap, set of fixtures on one trap, including water, drainage piping and backflow protection therefore	$3.00
Each building sewer	14.00
Each private sewage disposal system	14.00
Each water heater and/or vent	7.00
Each gas piping system for one to five outlets	7.00
Each gas piping system for six or more outlets, per outlet	1.50
Each gas regulator	1.50
Each water branch service outlet or outlets at the same location, or each fixture supply	1.00
Each installation of water treating equipment	7.00
Alteration or repair of water piping or water treating equipment	7.00
Alteration or repair of drainage or vent piping	7.00
Each lawn sprinkler system on any one meter, including backflow	

protection devices	7.00
Vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures: one to five	3.00
over five, each additional	1.00
The installation or relocation of each forced–air or gravity–type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu	14.00
The installation or relocation of each forced–air or gravity–type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu	21.00
The installation or relocation of each floor furnace, including vent	7.00
The installation or relocation of each suspended heater, recessed wall heater or floor–mounted unit heater	7.00
The installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	7.00
The repair of, alteration of, or addition to each heating appliance, refrigeration unit, comfort cooling unit, absorption unit, or each comfort heating, cooling, absorption, or evaporative cooling system, including installation of controls	14.00
The installation or relocation of each boiler or compressor to and including three horsepower or each absorption system to and including 100,000 Btu	14.00
The installation or relocation of each boiler or compressor over three horsepower or each absorption system over 100,000 Btu	21.00
Each air handling unit, including ducts attached thereto	7.00

NOTE: This fee shall not apply to an air handling unit which is a portion of a factory–assembled appliance, comfort cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this chapter.

For each evaporative cooler other than portable type	7.00
For each vent fan connected to a single duct	3.00
For each vent ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	7.00
Each installation of equipment regulated by this chapter for which no other fee is listed	7.00

(3) Table C. Electrical Permit Fees.

Each wiring outlet where current is used or controlled, except services, sub–feeders and meter outlets	.35
Each fixture, socket or other lamp holding device	.35
Each motor of not more than 50 h.p.	4.25
Each motor of more than 50 h.p.	10.50
Each mercury arc lamp and equipment	1.00
Each range, water heater or clothes dryer installation	7.00
Each space heater or infrared heat installation	1.50
Each stationary cooking unit, oven, or space heater	1.50
Each garbage disposer, dishwasher, or fixed motor–operated appliance not exceeding 1/2 h.p.	1.50
Working light in buildings in course of construction or undergoing repairs, or where temporary lighting is to be used	3.00
Each incandescent electric sign	1.50
Electric signs or outline lighting, luminous gas type with: 1 to 4 transformers	3.00
Additional transformers, each	.35
Each rectifier and synchronous converter, per K.W.	.35
Each additional circuit for a mobilehome accessory building or structure or other electrical equipment	1.50
Each service:	
600 volts or less, not over 200–amperes	7.00
600 volts or less, over 200–amperes	10.00
Over 600 volts	14.00
Each installation of equipment regulated by this chapter for which no other fee is listed	7.00

AUTHORITY:
Note: Authority cited: Sections 18300, 18502.5 and 18552, Health and Safety Code. Reference: Sections 18502, 18502.5 and 18503, Health and Safety Code.

HISTORY:
1. Renumbering of former section 1022 to new section 1020.7, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 1020.9. Application and Fee Requirements for Accessory Building, Foundations System, or Engineered Tiedown System Standard Plan Approvals

(a) A standard plan approval is available from the department for a plan for an accessory building or structure constructed and installed pursuant to this article and Article 9 of this chapter, for a foundation system installed pursuant to Section 18551 of the Health and Safety Code, and Section 1333(d) of this chapter, and for an engineered tiedown system designed pursuant to section 1336.3 of this chapter.

(b) In order to obtain a standard plan approval, the applicant shall submit to the department the following items:

(1) A completed application for standard plan approval on the form, as defined in Section 1002 of this chapter, designated by the department.

(2) Three (3) copies of the plans, specifications, and installation instructions, if applicable, and two (2) copies of the design calculations, when required, to substantiate the design. Specifications shall be shown on the plan. Design calculations shall be submitted separately from the plan sheet.

(3) An application fee of two hundred three dollars ($203) for each plan.

(4) Plan check fee for initial, resubmission, or renewal. Two hundred three dollars ($203) providing the related plan check does not exceed one hour. Where the related plan check exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: ninety-two dollars ($92).

(B) Each thirty (30) minutes, or fractional part thereof: forty-six dollars ($46).

(5) Additional plan check fees shall be due and payable prior to the issuance of a plan approval or a revised plan approval, if more than one (1) hour is required to conduct the plan check.

(6) When plans and specifications fail to comply with the requirements of this chapter, the enforcement agency shall notify the applicant in writing, stating in what respects the plans do not comply. The applicant shall correct the plans and/or specifications and resubmit them to the enforcement agency or withdraw them from consideration, forfeiting all submitted fees.

(7) An Identification Label of Approval shall be provided for each accessory building or structure to be manufactured under the standard plan approval and each accessory building or structure shall have an approved identification label of approval attached in a visible location.

(8) The actual identification label shall be submitted to the department for approval with the application for a standard plan approval prior to issuance of the approval. The approved identification label of approval shall:

(A) be not less in size than three (3) inches by one and one-half (1 1/2) inches;

(B) contain the following information, as applicable;

ACCESSORY BUILDING OR STRUCTURE

1. Name of Manufacturer
2. Standard Plan Approval No. ___
3. Designed for:

___lbs. per square foot live load
___lbs. per square foot horizontal wind load
___lbs. per square foot snow load
___lbs. per square foot floor live load
___lbs. per square foot wind uplift load

4. Structure (may) (may not) be enclosed.

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(C) be provided by the manufacturer and be permanently imprinted with the information required by this section;

(9) The identification label of approval shall be either Type I, II, or III as specified in this section, each capable of a ten-year life expectancy when exposed to ordinary outdoor environments. Letters and numbers shall be bold Gothic or similar style, varied for emphasis, as large as space permits, with the minimum size being 5/64 inches. Wording shall be easily read and concise. Where permanent type adhesives are used on Type I, II, or III plates, adhesives shall have a minimum thickness of .004 inches, and the plates shall be affixed to a relatively smooth surface.

(A) Type I. Rigid metal plates affixed by screws, rivets, or permanent type adhesives. Minimum size: One and one-half (1 1/2) inches by three (3) inches by .020 inches thick net dimensions (inside fastener heads). Material: Aluminum, brass or stainless steel etched, stamped, engraved, or embossed to 0.015 inches minimum depth differential, color anodized or enamel filled.

(B) Type II. Flexible metal plates affixed by permanent adhesives, either pressure sensitive acrylics or solvent activat-ed resins.

Minimum Size: .005 inches by one and one-half (1 1/2) inches by three (3) inches. Material: Aluminum foil etched or stamped to .001 inches minimum depth differential with color anodized background.

(C) Type III. Metallized Mylar (polyester), surface bonded.

Minimum Size: .003 inches by one and one-half (1 1/2) inches by three (3) inches.

Material: Aluminum/vinyl surface bonded (to be used for nameplates where variable information is required by embossing, which can be done with a conventional typewriter). Minimum Size: .006 inches by one and one-half (1 1/2) inches by three (3) inches.

(c) Plans submitted to the department shall be on sheets of paper no smaller than eight and one-half (8 1/2) inches by eleven (11) inches, and no larger than thirty (30) inches by forty-two (42) inches.

(1) Plans shall indicate the details of connections, dimensions, footings, foundations, general notes and method of installation necessary for the design and construction of the system.

(2) A plan shall indicate only one model or type of system.

(3) Each plan sheet shall provide a space not less than three (3) inches by three (3) inches for the department's standard plan approval stamp and number.

(4) When the design of the system requires an engineering analysis of structural parts and methods of construction, such as required for an engineered tiedown system or engineered accessory building or structure, the plans, specifications, and calculations shall be signed by an architect or engineer.

(5) Each plan shall be identified by a model number.

(d) If an application or plans are incomplete or do not conform to this chapter, the applicant shall be notified in writing within ten (10) working days of the date they are received by the department. The applicant shall resubmit a corrected application or plans within ninety (90) days of the notice, or within ninety (90) days of any subsequent notification relating to a resubmittal, along with the fees required by Section 1020.9 of this section.

(e) Should the applicant cancel the application for the standard plan approval prior to obtaining department approval, all fees submitted will be retained by the department for services rendered.

(f) A standard plan approval shall expire twenty-four (24) months from the date of the department's approval as designated on the department's stamp of approval placed on the plans.

(g) A standard plan approval may be renewed on or before the expiration date by submitting an application, together with three (3) copies of the plan as required by subsections (b)(1) and (2), and a renewal fee of two hundred three dollars ($203).

(1) Renewal of a standard plan approval is permitted only when the plan submitted is identical to the plan on file with the department.

(2) Each plan submitted for renewal shall provide a space not less than three (3) inches by three (3) inches for the department's standard plan approval stamp and number.

(3) When a standard plan approval is renewed, the department-issued number shall remain the same.

(h) An application for approval of revisions to a standard plan approval, which does not change the structural system or method of the system's construction, and is submitted prior to the approval's expiration date, shall be submitted with the following documentation:

(1) three (3) copies of the revised plan and specifications;

(2) two (2) copies of the revised design calculations, as required by subsection (b)(2); and

(3) the plan check fee, for the first hour, for each plan.

(i) An applicant with a revised standard plan approval shall submit the following to the department:

(1) an application for a standard plan approval as specified in subsection (b)(1) above;

(2) copies as specified in subsections (h)(1) and (2) above; and

(3) a resubmission fee, as specified in Section 1020.9 above, for each plan.

(j) A revised plan submitted pursuant to Section 1020.9 above, shall be processed as provided by subsection (h) or subsection (i), depending upon whether or not the changes to the plan are substantive. A plan submitted after the final expiration shall be processed as a new application with appropriate fees assessed.

(k) When amendment of applicable laws or the department's regulations requires changes to an approved plan, the department shall:

(1) notify the applicant of the changes, and

(2) allow the applicant one hundred eighty (180) days from the date of notification to submit a revised plan for approval or until the expiration date of the standard plan approval, whichever occurs first.

(l) Written approval shall be evidenced by the department's stamp of approval on the plans. The stamp of approval shall include a unique department-issued standard plan approval identification number for each approved plan, specification, or installation instruction.

(m) Standard plan approval for each accessory building or structure, foundation system, or engineered tiedown system is contingent upon compliance with the requirements of this article. The department may conduct inspections to determine compliance with an approved plan. Violation of any of the provisions of this article or variations from an approved plan shall be cause for cancellation of the standard plan approval.

(n) Reproductions of an approved plan bearing a department-issued standard plan approval for the purpose of obtaining a permit to construct a foundation system or accessory building or structure shall be clear and legible.

(o) When an applicant who has obtained a standard plan approval discontinues the business, has notified the department, or the department makes that determination, the standard plan approval shall be canceled.

(p) The department shall be notified of any change in the name of an applicant or change in name or ownership of an applicant's business. The department may grant a standard plan approval to the new owner, if the new owner provides a written certification that the accessory building or structure foundation system or engineered tiedown system will be constructed in accordance with the existing standard plan approval and submits the completed form designated by the department, together with a ten dollar ($10) fee. The certification, application, and fee shall be submitted for each plan with a separate standard plan approval.

(q) An applicant shall notify the department, in writing, within ten (10) days of any change to their address. The notification shall be accompanied with a ten dollar ($10) change of address fee.

(r) Plans with a standard plan approval from the department shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit when the design loads and allowable soil conditions specified in the plans are consistent with the requirements for the locality. Local enforcement agencies shall not require the original signature or stamp of the architect or engineer on a standard plan approved by the department.

AUTHORITY:
Note: Authority cited: Sections 18300, 18502, 18502.5, 18551 and 18613.4, Health and Safety Code. Reference: Sections 18502, 18502.5, 18551, 18552 and 18613.4, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1026 to new section 1020.9, including amendment of section heading, section and Note, filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section heading and section filed 12-29-2005; operative 1-1-2006 pursuant to Government Code section 11343.4 (Register 2005, No. 52).
3. Amendment of subsection (r) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1022. Construction and Alteration Permit Fees

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18502, 18502.5, and 18503, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former Section 1022 to Section 1014, and renumbering and amendment of former Section 1040 to Section 1022 filed 8–22–85; effective thirtieth day thereafter (Register 85, No. 36).
2. Amendment of subsection (e)(2) filed 11–29–88; operative 12–29–88 (Register 88, No. 52).
3. Renumbering of former section 1022 to new section 1020.7 filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1024. Building Permit Fees

AUTHORITY:
Note: Authority cited: Sections 18300, 18502.5 and 18552, Health and Safety Code. Reference: Sections 18502 and 18503, Health and Safety Code.
HISTORY:
1. Repealer of former Section 1024, and renumbering and amendment of former Section 1042 to Section 1024 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 11–29–88; operative 12–29–88 (Register 88, No. 52).
3. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1025. Earthquake Resistant Bracing System Fees

(a) Certification application fee, two hundred three dollars ($203).

(b) Certification Renewal fee, two hundred three dollars ($203).

(c) Certification review fees . Two hundred three dollars ($203) providing the related certification review does not exceed one hour. When the related certification review exceeds one hour, the following fees shall apply:

(1) Second and subsequent whole hours: ninety–two dollars ($92).

(2) Each thirty (30) minutes, or fractional part thereof: forty–six dollars ($46).

The balance of certification review fees due shall be paid to the department prior to the issuance of certification.

(d) When the department is the enforcement agency:

(1) Inspection or reinspection fee. One hundred ninety–six dollars ($196) provided the related inspection or reinspection does not exceed one (1) hour. When the related inspection or reinspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(2) A minimum fee of one hundred ninety–six dollars ($196) shall be submitted with each application for a permit or reinspection. Any additional fees required shall be paid upon completion of the inspection or reinspection.

(e) Change of ERBS–manufacturer's name, ownership or address fee, sixty–two dollars ($62).

AUTHORITY:
Note: Authority cited: Sections 18502.5, 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 18300, 18502.5, 18613.5 and 18613.7, Health and Safety Code.
HISTORY:
1. Section 1376 to new section 1025, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 1026. Standard Plan Approval

AUTHORITY:
Note: Authority cited: Sections 18300, 18502, 18502.5, 18551 and 18613.4, Health and Safety Code. Reference: Sections 18502, 18502.5, 18551 and 18613.4, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of Section 1026 to Section 1018 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Redesignation and amendment of former section 2860 Appendix C to section 1026 filed 5–12–95; operative 5–12–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 19).
3. Renumbering of former section 1026 to new section 1020.9 filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1028. Permit for Mobilehome Installation

AUTHORITY:
Note: Authority cited: Section 18300 and 18502.5, Health and Safety Code. Reference: Sections 18502, 18502.5 and 18613, Health and Safety Code.
HISTORY:
1. Amendment filed 3–2–81; effective thirtieth day thereafter (Register 81, No. 10).
2. Renumbering and amendment of Section 1028 to Section 1020 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
3. Editorial correction of section heading (Register 2005, No. 33).

§ 1030. California Environmental Quality Act Compliance

Wherever the department is the enforcement agency, evidence of compliance with The California Environmental Quality Act, Public Resources Code, Division 13, commencing with section 21000, shall be submitted with an application for a permit to construct or enlarge a park.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18300.1, 18406 and 18501, Health and Safety Code. Sections 21000, et seq., Public Resources Code.
HISTORY:
1. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1032. Permit Applications—Required Approvals

(a) All applications for permits to construct shall be submitted on the designated form provided by the enforcement agency.

(b) Applications for permits to construct or enlarge a park by adding lots, or by installing a multifamily manufactured homes(s), shall be submitted with written evidence of compliance with the California Environmental Quality Act (Public Resources Code Division 13, commencing with section 21000), and written evidence of approvals by all of the following:

(1) the local planning agency,

(2) the local health, fire, and public works departments,

(3) the local department responsible for flood control,

(4) the serving utilities, and

(5) any other public agencies having jurisdiction over the activity contained in the permit application.

(c) Park operator approval is required on all applications for a permit to construct, reconstruct or alter the park electrical, fuel gas, plumbing, or fire protection equipment or installations.

(d) Park operator approval is required with all applications for a permit to install an MH-Unit, or to alter an MH-Unit located in a park, if the alteration would affect the electrical, fuel gas or plumbing system of the park.

(e) Park operator approval is required on all applications for permits to construct, reconstruct, install or alter an accessory building or structure or building component to be located or proposed to be located within a park.

(f) Written evidence of applicable local approvals may be required for permanent buildings, when the installation may impact local services.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18406 and 18501, Health and Safety Code; Section 21082, Public Resources Code; and Title 14 CCR Section 15050.
HISTORY:
1. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer and new subsection (b) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1034. Plans — General

(a) Three (3) complete sets of plans and specifications shall be submitted for all work to be performed, if required by the enforcement agency.

(b) Plans and specifications submitted to the enforcement agency shall be of sufficient clarity to indicate the nature and extent of all work proposed and show in detail that the work will conform to the provisions of this chapter.

(c) When the design of the system requires an engineering analysis of structural parts, or methods of construction, the plans, specifications, and calculations shall be signed by an architect or engineer. At the time of submission, the engineer's stamp of approval must be current.

(d) Any deviation from the approved plans and specifications shall be approved by the designer, engineer, or architect and shall be submitted to the enforcement agency for approval.

(e) The enforcement agency may waive the requirement for plans and/or specifications when the proposed work is of a minor nature.

(f) Complete plans, specifications, calculations, and supporting data shall be submitted where the work proposed is not in conformity with or deviates from the provisions of this chapter.

(g) An approved set of plans and specifications and a copy of the permit to construct shall be kept on the job site until the enforcement agency has made a final inspection.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18501, Health and Safety Code.
HISTORY:
1. Amendment filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section heading and subsection (c), repealer of subsections (g)-(i)(2) and (k)-(k)(4) and subsection relettering filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1036. Expiration of Permits

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18509, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1038. Extension of Permit to Construct

(a) A permit to construct may be extended up to three (3) times during the life of a construction project. Each extension shall be limited to six (6) months. Only one extension of a permit to construct shall be granted if work described in the permit has not commenced. No permit to construct shall be extended more than two years from the date of issuance of the initial permit to construct.

(b) Where a permit to construct has expired, all work shall cease until a valid permit to construct has been issued by the enforcement agency. A reapplication need not be accompanied by plans and specifications or installation instructions where:

(1) construction is to be completed in accordance with plans filed with the initial permit to construct; and

(2) the approved plans are made available to the enforcement agency during the construction; and

(3) plans were approved less than two (2) years prior to the request for extension.

(c) Fees paid for a permit to construct shall be forfeited to the enforcement agency if the applicant does not start construction within six (6) months of the date of issuance of the permit, or upon expiration of the permit where work has commenced and no extension has been granted pursuant to subsection (a).

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18509, Health and Safety Code.
HISTORY:
1. Amendment filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer and new subsection (a) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1040. Construction and Alteration Permit Fees

AUTHORITY:
Note: Authority cited: Sections 18300 and 18502.5, Health and Safety Code. Reference: Sections 18502.5 and 18503, Health and Safety Code.
HISTORY:
1. Amendment filed 3–2–81; effective thirtieth day thereafter (Register 81, No. 10).
2. Renumbering and amendment of Section 1040 to Section 1022 filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1042. Swimming Pools

Construction and barriers standards for public and private swimming pools constructed within a park are contained in the California Building Code.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1052 to new section 1042, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28). For prior history, see Register 85, No. 36.

§ 1044. Construction

(a) All construction shall be performed in accordance with approved plans and specifications and shall not be changed, modified or altered without the express prior approval, when possible, of the person or entity which provided the original approvals, and the enforcement agency.

(b) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of the Health and Safety Code or any of the provisions of this chapter. Whenever an issued permit, or the work that it authorizes, violates provisions contained in this chapter, the Health and Safety Code, or any other provisions of applicable law, the permit, or that portion of the permit that authorizes the work in violation, shall be deemed null and void.

(c) The issuance of a permit based upon plans and specifications shall not prevent the enforcement agency from thereafter requiring the correction of errors in these plans and specifications, nor shall the issuance of a permit preclude the enforcement agency's power to prevent occupancy of a building, accessory building or structure, or building component, when it is found to be in violation of this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500, 18501, 18552, 18610, 18620, 18630, 18670 and 18690, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1045. Excavation and Grading

Except as provided in this chapter, the procedures relating to excavation, grading, and earthwork, including fills and embankments, are contained in the California Building Code.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1054 to new section 1045, including repealer and new section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28). For prior history, see Register 85, No. 36.

§ 1046. Stop Order

Whenever any work is performed in violation of the provisions of this chapter, the Health and Safety Code, or any other applicable provisions of law, the enforcement agency shall post an order to stop work on the site and provide a written notice to the person responsible for the work being performed. The work shall immediately stop until authorized to proceed by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18404 and 18500, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1048. Inspections

(a) The person to whom a construction permit is issued shall request the inspection and all necessary re-inspections of that permitted construction project.

(b) Scheduled progress inspections are required for the following:

(1) any underground or enclosed work prior to covering;

(2) permanent buildings; and

(3) accessory buildings or structures, or building components.

(c) The required progress inspections shall occur at the following stages of construction, when applicable:

(1) Form inspection: When trenching is completed and forms have been set for the foundation, including all plumbing, mechanical, and electrical installations which may be concealed beneath the foundation or slab.

(2) Frame inspection: When all structural framing is completed, including all electrical, mechanical, and plumbing installations which are to be enclosed within the walls.

(3) Lath and/or wallboard inspection: When all lathing and/or wallboard interior and exterior is completed, but before any plaster is applied or before wallboard joints and fasteners are taped and finished.

(4) Final inspection: When the permanent building, accessory building or structure, or building component, is completed.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, 18620, 18630, 18670 and 18690, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a), new subsection (b), subsection relettering and amendment of newly designated subsection (c) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1050. Construction Permit Penalty

Any person commencing construction without a valid permit shall discontinue the construction until a permit to construct is obtained, and shall pay double all fees prescribed for the permit.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18504, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1052. Closing a Park

(a) In addition to the requirements of any other provisions of law, regulation, or applicable local ordinances, when an owner of a park chooses to close a park, in order for the enforcement agency to deem the park closed, the following procedures are required.

(1) Electric and gas services shall be disconnected by the serving utility at the service entrance to the property.

(2) Lot utility equipment must be rendered unusable or removed.

(3) All sewer connections must be capped with gas-tight covers.

(4) Septic systems must be prepared for abandonment in accordance with local health department requirements.

(5) Once the park is totally vacant, a Technical Service Fee shall be paid pursuant to section 1017, and a physical inspection performed by the enforcement agency verifying that the lots are not, and may not be, occupied.

(b) When the closed park is under the authority of a local enforcement agency, that agency shall notify the department within 30 days following verification that the park is closed.

(c) If a closed park is to be reopened, the person or entity proposing to reopen the park shall comply with the requirements of sections 1006.5, 1018 and 1032 of this chapter.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18502.5, 18503, 18605 and 18610, Health and Safety Code.
HISTORY:
1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7.)

Article 2. General Park Requirements

§ 1100. Application and Scope

(a) The provisions of this article shall apply to the construction, use, maintenance, and occupancy of lots within parks in all parts of the state.

(b) Existing construction and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18610 and 18612, Health and Safety Code.
HISTORY:
1. Repealer and new section filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of article heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1102. Responsibility

(a) The owner, operator, or the designated agent for the park shall be responsible for the safe operation and maintenance of all common areas, park-owned electrical, gas, and plumbing equipment and their installations, and all park-owned permanent buildings or structures, within the park. When not owned by the serving utility, the park is responsible for lot services to include the gas riser, water riser, lot drain inlet and the electrical pedestal. The unit owner is responsible for the connections to those utilities.

(b) The owner of a unit, its appurtenances, an accessory building or structure, or building component shall be responsible for the use and maintenance of the unit, its appurtenances, accessory building or structure, or building component and utility connections up to the lot services in compliance with the requirements of this chapter.

(c) Any person obtaining a permit to construct shall be responsible for the construction or installation in accordance with the requirements of this chapter.

(d) The operator of a park shall not permit a unit, accessory building or structure, building component, or any park utility to be constructed, installed, used, or maintained in the park unless constructed, installed, used, and maintained in accordance with the requirements of this chapter.

(e) Procedures related to notice of violation and responsibilities to abate violations are set forth in article 10, commencing with section 1600 of this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18400, 18401, 18402, 18552 and 18603, Health and Safety Code.
HISTORY:

1. Renumbering of former section 1604 to new section 1102, including amendment of section heading, section and Note, filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28). For prior history, see Register 85, No. 36.
2. Amendment of subsections (a) and (b) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1104. Lot Address Identification and Lot Line Marking

(a) All lots shall be identified by letters, numbers, or street address numbers. The lot identification shall be in a conspicuous location facing the roadway. If the lot identification number is to be installed on a wall surface of the unit, the wall surface nearest the roadway shall be used.

(b) All lots shall be defined by permanent corner markers. Corner markers shall be visible at grade and shall be installed in a manner that does not create a hazard.

(c) Permanent corner markers shall be any of the following:

(1) Pressuretreated wood, or wood of natural resistance to decay and insects, as specified in the California Residential Code, at least two (2) by two (2) inches in nominal dimension, driven into the ground to a depth of at least eighteen (18) inches, or six (6) inches if it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.

(2) Metallic pipe or rods protected from corrosion by galvanizing, paint, or a protective coating which resists corrosion, and is driven into the ground to a depth of at least eighteen (18) inches or is driven into the ground to a depth of at least six (6) inches when it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.

(3) Schedule 40 or better PVC, ABS, or CPVC pipe driven into the ground to a depth of at least eighteen (18) inches, or driven into the ground to a depth of at least six (6) inches, when it is surrounded by a concrete pad at least four (4) inches in diameter, and at least six (6) inches in depth.

(4) Saw cuts, blade marks, or scribe marks in a concrete or asphalt curb or roadway which are different in depth and nature than expansion joints.

(5) A nail with either a metal washer or surveyor’s marker, which is either driven or embedded into concrete or asphalt, curbs or streets.

(d) To determine the edge of a lot bordering a roadway with curbing, the lot ends at the beginning of the curbing; curbing is part of the roadway.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18610, 18610.5 and 18612, Health and Safety Code.
HISTORY:
1. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer of subsection (d) and subsection relettering filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment of subsection (c) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1105. Lot Line Changes

(a) Compliance with this section shall be required for any lot line change within a park. Compliance with subsections (b), (c) and (e) of this section shall not be required for any lot line creation; however, notwithstanding any other provision of this chapter, a lot line creation shall comply with the requirements of section 1020.6.

(b) The park owner or operator shall submit to the enforcement agency an application for a permit to construct, on a form designated by that agency, for a lot line change, along with all of the following:

(1) three (3) copies of a detailed plot plan with an identified date of preparation and measurements, indicating both the existing and proposed locations of the lot lines, which shall indicate all of the following:

(A) the locations of and distances between any units, accessory buildings or structures, or other built improvements on the affected lots (such as patios or parking areas), within ten (10) feet of the current and proposed lot lines;

(B) the distances from all existing and proposed lot lines of the lots on which those units, buildings or structures, or other improvements are located;

(C) the number of lots affected;

(D) the addresses or other identifying characteristics of those affected lots;

(E) proof of delivery of copies of the plot plan to all the registered owners of the units on the affected lots by registered or certified mail, sent by at least first class mail;

(F) the type(s) of marking(s) used to designate the existing and proposed lot line locations; and

(G) if the park is a common interest development, as defined in Civil Code section 1351, and lot line change involves encroaching into a common area, compliance with the approval provisions of Civil Code section 1363.07.

(2) the names and residence addresses of the registered owners of the units on the lots affected by the lot line change and the addresses or other identification of their units’ lots if different than the residence address;

(3) a copy of the original written authorization, signed and dated by each of the registered owners of the units on the lots affected by the lot line change, that includes the following statement:

I, [name of registered owner(s)], have received a copy of the plot plan dated [date of plot plan] proposing to change a lot line affecting the lot where my unit is located and I/we approve of the proposed change in the location of the lot line(s) as detailed on the plot plan.

(4) a written statement signed and dated by the park operator or the operator's agent that the lot line change is substantially consistent in all material factors with both of the following:

(A) all health and safety conditions imposed by the local government as a condition of the initial construction of that space or the park; and

(B) prior applicable local and land use requirements for the park; and

(5) the applicable permit fee as specified in section 1020.7 of this chapter.

(c) When the department is the enforcement agency and the number of lots in the park is increased or decreased by the change in lot lines pursuant to this section, the applicant shall deliver a written notice to the local planning agency, by personal delivery or by registered or certified mail, of the proposed change in the number of lots prior to or concurrent with its submission of the application to the department and provide a statement attesting to that delivery and the proof of delivery by either a stamped receipt or the proof of service by registered or certified mail. The notice shall include one copy of all the information required by paragraphs (1) through (4) of subsection (b) and the office address of the department's area office performing the inspection.

(d) The enforcement agency shall perform an on–site inspection prior to approval of a lot line change or creation, in order to ensure consistency with this chapter and the application. Any existing lot line markings shall remain in place until after approval by the enforcement agency for the lot line change. At the time of inspection the applicant, or his or her designee, shall permanently mark the new lot line or lot lines pursuant to section 1104 of this chapter and eradicate any preexisting lot line markings. No approval shall be given for lot line changes without identification to the satisfaction of the enforcement agency of the existing lot line locations.

(e) Following approval of the lot line change by the enforcement agency, the enforcing official shall sign and date the submitted plot plan signifying its approval. Copies of that approved plot plan shall then be given by the applicant to the registered owners of the units on all the affected lots.

(f) No lot line shall be created, moved, shifted, or altered if the line creation or change will place a unit or accessory building or structure in violation of any provision of this chapter or any other applicable provision of law.

AUTHORITY:
Note: Authority cited: Sections 18300, 18610 and 18612, Health and Safety Code. Reference: Sections 18501, 18610, 18610.5 and 18612, Health and Safety Code; and Sections 1351 and 1363.07, Civil Code.
HISTORY:
1. New section filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
2. Editorial correction of subsection (c) and 1 (Register 2005, No. 33).
3. Amendment of subsections (b)(1) and (b)(1)(E)-(F), new subsection (b)(1)(G) and amendment of Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1106. Roadways

All park roadways shall have clear and unobstructed access to a public thoroughfare, except that a roadway may have security gates, if such security gates are not in violation of local government requirements.

(a) In parks, or portions thereof, constructed prior to September 15, 1961:

(1) Each lot shall have access to a roadway of not less than fifteen (15) feet in unobstructed width.

(2) No vehicle parking shall be allowed on roadways less than twenty–two (22) feet in width. If vehicle parking is permitted on one side of the roadway, the roadway shall be a minimum of twenty–two (22) feet in width. If vehicle parking is permitted on both sides of the roadway, the roadway shall be not less than thirty (30) feet in width.

(b) In parks constructed on or after September 15, 1961:

(1) Each lot shall have access from the lot to a two–way roadway of not less than twenty–five (25) feet, or a one–lane, one–way roadway not less than fifteen (15) feet in unobstructed width.

(2) No vehicle parking shall be allowed on one–way, one–lane roadways less than twenty–two (22) feet in width. If vehicle parking is permitted on one side of a one–lane roadway, the roadway shall be a minimum of twenty–two (22) feet in width. If vehicle parking is permitted on both sides of a one–lane roadway, the roadway shall be at least thirty (30) feet in width.

(3) No vehicle parking shall be allowed on two–lane, two–way roadways less than thirty–two (32) feet in width. If vehicle parking is permitted on one side of a two–way roadway, the roadway shall be a minimum of thirty–two (32) feet in width. If vehicle parking is permitted on both sides of a two–way roadway, the roadway shall be at least forty (40) feet in width.

(c) Roadways designed for vehicle parking on one side shall have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway clearly visible at any given point of the roadway where parking is prohibited.

(d) A two–way roadway divided into separate, adjacent, one–way traffic lanes by a curbed divider or similar obstacle, shall be not less than fifteen (15) feet in unobstructed width on each side of the divider.

(e) In parks constructed after September 23, 1974, which contain not more than three (3) lots, each lot shall abut a roadway that is not less than twenty (20) feet in unobstructed width.

(f) Paving is not required for roadways or driveways unless it is necessary for compliance with section 1116 of this chapter.

(g) At the request of the park owner/operator, the local fire protection agency may designate the sides or portions of roadways in a park as fire lanes provided those designations do not conflict with the roadway widths of this section.

(h) If a park owner or operator proposes reducing the width, or changing the layout or configuration, of the park roadways from the way they were previously approved or constructed, local fire protection agency acknowledgment of the change shall be submitted to the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18300, 18610 and, 18612, and 18691, Health and Safety Code. Reference: Sections 18610 and, 18612, and 18691, Health and Safety Code.
HISTORY:
1. Amendment of section heading and NOTE filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
4. Editorial correction of 3 (Register 2005, No. 33).
5. Amendment of section and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1108. Park Lighting

In every park, lighting shall be installed which is capable of providing:

(a) An average of five (5) horizontal foot candles of light at the floor level at entrances to toilet and shower buildings, laundry buildings, and recreation buildings when the buildings are in use during the hours of darkness.

(b) An average of ten (10) horizontal foot candles of light at the floor level within toilet and shower buildings, laundry buildings, and recreation buildings when the buildings are in use during the hours of darkness.

(c) An average of two–tenths (2/10) horizontal foot–candles of light the full length of all roadways and walkways within a park during the hours of darkness.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18602, 18620 and 18640, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1110. Occupied Area

(a) The occupied area of a lot, consisting of the unit, and all accessory buildings and structures including, but not limited to awnings, stairways, ramps and storage cabinets, shall not exceed seventy–five (75) percent of the lot area.

(b) For purposes of this chapter, patios and paved or concreted areas on grade, and the area of accessory buildings or structures located under another accessory structure, such as a storage cabinet or porch under an awning or carport, are not included in the measurement of the occupied area. The occupied area shall be determined as if viewed from overhead looking directly down on the lot.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Sections 18610 and 18691, Health and Safety Code.
HISTORY:
1. Repealer and new section filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
4. Editorial correction of 3 (Register 2005, No. 33).
5. Amendment of subsection (b) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1112. Required Toilet and Shower Facilities

(a) Toilets, showers, and lavatories shall be provided as follows:

(1)(A) In parks constructed before July 7, 2004, containing dependent lots or allowing dependent units the following minimum ratio of toilets, showers, and lavatories, for each gender shall be maintained.

Lots	Toilets	Showers	Lavatories
1–25	1	1	1
26–70	2	2	2

One additional toilet shall be provided for each gender, for each one hundred (100) additional lots, or fractional part thereof in excess of seventy (70) lots.

(B) In parks constructed on or after July 7, 2004, containing dependent lots or allowing dependent units, at least one toilet, shower, and lavatory for each gender for each twenty–five (25) lots shall be maintained.

(2) Independent, individually enclosed, lockable facilities for a single toilet and lavatory or shower, may be designated as unisex on an equal one (1) to one (1) ratio to gender designated facilities, as described in this section, provided the number of gender designated facilities remains equal.

(3) Sufficient toilets shall be reserved for the exclusive use of the occupants of the lots in the park.

(4) Parks constructed and operated exclusively for independent units need not provide public toilets, showers, or lavatories.

(5) Toilets, lavatories, and showers shall be within five hundred (500) feet of all dependent unit lots or lots not provided with a lot water service outlet and a three (3) inch lot drain inlet.

(6) Toilet, lavatory, and shower facilities shall be separated and distinctly marked for each gender or unisex.

(7) Showers shall be provided with hot and cold running water. Each shower shall be contained within a separate compartment. Each shower compartment shall be provided with a dressing area of not less than six (6) square feet of floor area that shall have hooks for hanging clothing and a bench or chair for use by the occupant.

(8) Toilets shall be installed in separate compartments.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18620, 18630 and 18640, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1674 to new section 1112, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28). For prior history, see Register 85, No. 36.
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 1114. Animals

(a) Dogs and other domestic animals, and cats (domestic or feral) shall not be permitted to roam at large (free) in any park.

(b) Animal feces shall not be permitted to accumulate on any lot or common area in a park to the extent that they create a nuisance.

AUTHORITY:
Note: Authority cited: Section 18300 and 18601 Health and Safety Code. Reference: Section 18601, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1608 to new section 1114, including amendment of section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1116. Lot and Park Area Grading

(a) The park area and park roadways shall be so graded that there will be no depressions in which surface water will accumulate and remain for a period of time that would constitute a health and safety violation as determined by the enforcement agency. The ground shall be sloped to provide storm drainage run–off by means of surface or subsurface drainage facility.

(b) Each lot shall be graded to prevent the migration of water to the underfloor area of a unit, or accessory building or structure, or building component. Other methods to prevent the migration of water beneath a unit, accessory building or structure, or building component may be approved by the department as alternates, in accordance with section 1016 of this chapter.

(c) To provide for unanticipated water entering the area beneath a unit, accessory building or structure, or building component, that area shall be sloped to provide for drainage to an approved outside drainage way. Other positive passive drainage methods may be approved by the department as an alternate, in accordance with section 1016 of this chapter.

(d) Drainage from a lot, site, roadway or park area shall be directed to a surface or subsurface drainage way and shall not drain onto an adjacent lot, or site.

(e) All vegetation shall be cleared from the area of the lot beneath a unit or accessory building or structure.

(f) Fills necessary to meet the grading requirements of this subsection shall comply with section 1045 of this chapter.

(g) Minor load bearing grading and area fills that are made with a compacted class 2 aggregate and that do not exceed six (6) inches in depth, do not require additional approvals.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18254 and 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1610 to new section 1116, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of subsection (g) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
4. Editorial correction of 3 (Register 2005, No. 33).

§ 1118. Lot Occupancy

A lot shall accommodate only one (1) unit. However, when used as a frequent means of transportation, a self–propelled recreational vehicle or truck mounted camper may be parked beside the occupied unit. That vehicle shall not be occupied or connected to the lot's utility facilities or interconnected with the occupied unit.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18605 and 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1614 to new section 1118, including amendment of section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer of subsection (a) designator and repealer of subsection (b) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1119. Truck Campers Occupied Off a Vehicle

No person shall occupy a truck camper, as defined in Health and Safety Code section 18013.4, that has been dismounted from a truck or other vehicle, unless the truck camper is located in a separate designated RV park section of a mobilehome park subject to the Special Occupancy Park regulations contained in Chapter 2.2 of this Division.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18610, Health and Safety Code. Reference: Sections 18013.4, 18605 and 18610, Health and Safety Code.
HISTORY:
1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1120. Rubbish and Accumulation of Waste Material

(a) 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.

(b) Waste paper, hay, grass, straw, weeds, litter, or combustible flammable waste, refuse, or rubbish of any kind shall not be permitted, by the park owner or operator, to remain upon any roof or on any vacant lot, open space, or common area.

(c) The park area shall be kept clean and free from the accumulation of refuse, garbage, rubbish, excessive dust, or debris.

(d) The park operator shall ensure that a collection system is provided and maintained, with covered containers, for the safe disposal of rubbish.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18610 and 18691, Health and Safety Code.
HISTORY:
1. Renumbering of former sections 1690 and 1696 to new section 1120, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1122. Emergency Information

The requirements of this section shall be printed and posted in a conspicuous place on the premises and shall contain the following information:

(a) List the following telephone numbers:
(1) Fire Department
(2) Police Department or Sheriff's Office.
(3) Park Office.
(4) The responsible person for operation and maintenance.
(5) Enforcement agency.
(b) List the following locations:
(1) Nearest fire alarm box, when available.
(2) Park location (street or highway numbers).
(3) Nearest public telephone.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1686 to new section 1122, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 3. Electrical Requirements

§ 1130. Application and Scope

(a) The requirements of this article shall apply to all parks, accessory buildings or structures, and units (except within permanent buildings) in all parts of the state, to the construction, installation, alteration, repair, use, and maintenance of all electrical wiring and equipment for supplying electrical energy to all units.

(b) Existing electrical construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Sections 18300, 18610 and 18670, Health and Safety Code. Reference: Sections 18610 and 18670, Health and Safety Code.
HISTORY:
1. Repealer and new section filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1132. Permanent Building Electrical Regulations

Requirements for electrical equipment and installations within permanent buildings in parks are found in the California Electrical Code.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18670, Health and Safety Code. Reference: Sections 18300 and 18670, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1134. Electrical Requirements

(a) Except as otherwise permitted or required by this article, all electrical equipment and installations outside of permanent buildings in parks shall comply with the requirements for installations of 600 volts or less found in the California Electrical Code.

(b) All park–owned overhead electrical equipment of park electrical systems shall also comply with the applicable requirements of the current California Public Utilities Commission Rules for Overhead Electrical Line Construction, General Order No. 95. If there is any conflict between the provisions contained in the California Electrical Code and General Order 95, the provisions of General Order 95 shall prevail.

(c) All park–owned underground electric equipment of park electrical systems shall also comply with the applicable requirements of the current California Public Utilities Commission, Rules for Underground Electrical Supply and Communications Systems, General Order No. 128. If there is any conflict between the provisions contained in the California Electrical Code and General Order 128, the provisions of General Order 128 shall prevail.

(d) All additions or alterations to existing or new parks shall have plans submitted in compliance with section 1034 of this chapter.

(e) Except as otherwise permitted or required, all high voltage (exceeding 600 volts) electrical installations outside of permanent buildings within parks, shall comply with the applicable requirements of Title 8, California Code of Regulations, Chapter 4, Subchapter 5, Group 2, High Voltage Electrical Safety Orders.

(f) If there is any conflict between the provisions of this chapter , General Order 95, General Order 128, or the California Electrical Code, the provisions of this chapter shall prevail.

Note: General Order Numbers 95 and 128 may be obtained from the California Public Utilities Commission (CPUC) Technical Library, 505 Van Ness Ave., San Francisco, CA 94102 or by calling the CPUC at (415) 703–1713. They may also be viewed on line at www.cpuc.ca.gov.

AUTHORITY:
Note: General Order Numbers 95 and 128 may be obtained from the California Public Utilities Commission (CPUC) Technical Library, 505 Van Ness Ave., San Francisco, CA 94102 or by calling the CPUC at (415) 703-1713. They may also be viewed on line at www.cpuc.ca.gov. Note: Authority cited: Sections 18300, 18610 and 18670, Health and Safety Code. Reference: Sections 18610 and 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of subsection (a) filed 5–26–87; operative 6–25–87 (Register 87, No. 23).
3. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
4. Amendment of subsections (b)–(c) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
5. Editorial correction of 4 (Register 2005, No. 33).
6. Amendment of subsections (b), (c) and (f) and amendment of Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1136. Conductors and Equipment

(a) 600 volts or less. For purposes of this chapter, all electrical conductors and equipment rated at 600 volts or less, installed outside of permanent buildings in park electrical wiring systems constructed, or approved for construction, shall be listed and labeled as approved for their intended use.

(b) Greater than 600 volts. Conductors and equipment installed in systems operated at more than 600 volts shall comply with the applicable provisions contained in the California Electrical Code, Article 490, and the High Voltage Safety Orders contained in Title 8, California Code of Regulations, Chapter 4, Subchapter 5, Group 2.

(c) A grounded neutral conductor may be a bare conductor when properly isolated from phase conductors. A bare neutral conductor, or a bare concentric stranded conductor of a cable used as a grounded neutral conductor, shall be copper when installed underground. These types of systems shall be solidly grounded.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Register 85, No. 36.
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1138. Energizing

Lot electrical equipment and installations shall not be energized until inspected and approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1140. Distribution System

(a) The park electrical wiring system shall be designed to supply adequate electrical energy to all lots and all other connected loads, as determined by this article.

(b) Electrical energy supplied to a lot shall be nominal 120/240 volts, single phase.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1142. Design and Plan Requirements — Electrical

(a) Electrical plans shall include a single line diagram of the electrical equipment to be installed, altered or changed. Complete load calculations of the electrical system shall be provided with plans.

(b) Complete engineering plans, specifications, calculations and supporting data, stamped and signed by an electrical engineer, shall be submitted when the park's electrical main service or any of the electrical wiring system exceeds the voltage of the secondary system.

(c) Any person applying for a permit to install additional electrical equipment in a park shall submit the following information with the application for a permit to construct:

(1) The size of the feeder circuit and overcurrent protection of that feeder circuit; and

(2) The number of lots and the load of any other electrical equipment supplied by the feeder circuit.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18501 and 18670, Health and Safety Code.
HISTORY:
1. New section filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8). For prior history, see Register 2004, No. 28.

§ 1144. Electric Heating

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1146. Voltage Drop

The voltage drop shall not exceed five (5) percent on the park electrical wiring system from the park service to the most remote outlet on the system, except that taps to compensate for below normal full capacity voltage may be used on the primary side of secondary distribution transformers to correct for voltage drop on the primary feeders. The voltage of secondary systems shall not exceed a nominal 240 volts.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1148. Overcurrent Protection

(a) Conductors shall be protected by overcurrent protective devices. A fuse or circuit breaker rating shall not be greater than the allowable ampacity of the conductors to be protected as specified in Tables 310–16 through 310–19 found in the California Electrical Code, except as provided in Articles 210, 240, and 430.

(b) All electrical equipment and devices, including service equipment, transformers and receptacles, shall be protected by overcurrent protective devices rated at not more than the rating of the equipment or device, except as provided in Articles 210, 240, 430, and 450 of the California Electrical Code.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1150. Park Electrical Disconnecting Means

(a) Each service equipment enclosure for the park shall be provided with a single main disconnect switch or circuit breaker lockable in the open position for disconnecting the electrical wiring system or systems of the park.

(b) A disconnecting means shall be provided for disconnecting each distribution transformer. When the disconnecting means is not installed immediately adjacent to the distribution transformer, it shall be identified as to its usage and shall be arranged to be locked in the open position.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1151. Lot Electrical Disconnecting Means

A single disconnecting switch or circuit breaker shall be provided in the lot service equipment for disconnecting the power supply to the unit. The disconnecting switch, circuit breaker or its individual enclosure shall be clearly marked to identify the lot serviced.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1152. Ground–Fault Protection

Ground–fault protection of park service equipment shall be provided for solidly grounded wye electrical services of more than 150 volts to ground, but not exceeding 600 volts phase–to–phase for each service disconnecting means rated at 1,000 amperes or more. Each service disconnecting means rated 1000–amperes or more shall be performance tested when first installed, as required by the California Electrical Code, section 230–95. The test shall be conducted in accordance with approved instructions, which shall be provided with the equipment. A written record of this test shall be made and shall be available to the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of section and 2 (Register 2005, No. 33).

§ 1153. Equipment Grounding

Exposed noncurrent–carrying metal parts of fixed electrical equipment shall be grounded as required by the California Electrical Code, Article 250.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1154. Primary System Grounding — 600 Volts or Less

(a) When the park electrical service is supplied by a grounded system operated at 600 volts or less, an equipment grounding conductor shall be run with the feeders of the park primary electrical system to all equipment supplied by the primary electrical system.

(b) Park primary electrical systems within the park operated at 600 volts or less supplied by an ungrounded system shall not be grounded.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1156. Primary System Grounding — Over 600 Volts

(a) Park primary electrical systems within the park operated at more than 600 volts supplied by a grounded system shall be grounded at the park service.

(b) Park primary electrical systems within the park operated at more than 600 volts supplied by an ungrounded system shall not be grounded.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1158. Secondary Systems — Lot Service Equipment

The neutral conductor of all secondary systems supplying lot service equipment shall be grounded at both the secondary system source and the lot service equipment.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1160. Secondary Systems — Other than Lot Service Equipment

The neutral conductor of all secondary systems supplying equipment other than lot service equipment shall be grounded as required by the California Electrical Code, article 250.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1162. Grounding Connections

System grounding conductors and equipment grounding conductors shall be connected as required by the California Electrical Code, article 250. The connection of a grounding conductor to a grounding electrode shall be exposed and readily accessible.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1163. Grounding of Units

All exposed, noncurrent–carrying metal parts of a unit, when connected to the lot service equipment, shall be grounded by means of a grounding conductor run with the circuit conductors or in a listed power supply cord provided with an approved polarized multi–prong plug. One prong of the plug shall be for the sole purpose of connecting that grounding conductor, by means of a listed and approved grounding receptacle, to the grounded terminal at the lot service. The conductor shall be insulated and identified by a green color.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550 and 18670, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1648 to new section 1163, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1164. Feeder Assembly

The neutral conductor and the equipment grounding conductor of the feeder assembly supplying service equipment, shall be connected to the grounding electrode at each lot service enclosure.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No 28).

§ 1166. Grounding Conductors

Only copper grounding conductors shall be used to connect electrical systems to a grounding electrode. Grounding conductors shall be protected from physical damage by cabinet enclosures, raceways, or cable armor.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1170. Protection of Outdoor Equipment

(a) All electrical equipment, including switches, circuit breakers, receptacles, lighting fixtures, control equipment, and metering devices located in either damp or wet locations or outside of a unit, accessory building or structure, or a building component designed as a weatherproof structure, shall be constructed of, or installed in, equipment approved for damp or wet locations.

(b) Meter sockets, without meters installed, shall be blanked off with an approved blanking plate before the service is energized.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1172. High–Voltage Conductors

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1176. Aluminum Conductors

(a) Connections of aluminum conductors shall be made only inside boxes or equipment enclosures which are designed and installed to prevent the entry or accumulation of moisture within the enclosure.

(b) Only connectors which are listed for use with aluminum conductors shall be used to connect aluminum conductors. If more than one conductor is connected to a connector, the connector shall be provided with a terminal fitting for each conductor.

(c) Prior to inserting an aluminum conductor into the connector, the conductor from which the insulation has been removed shall be wire–brushed and sealed with an approved oxide–inhibiting joint compound.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1178. Mechanical Protection

Where subject to physical damage from vehicular traffic or other causes, the lot service equipment shall be protected by posts, fencing or other barriers approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1180. Lot Electrical Service

(a) Lot electrical service and its equipment for a new lot shall be rated at not less than 100-amperes (24,000 volt-amperes) and shall be listed and labeled “Service Equipment”, “Suitable for Use as Service Equipment” or “Suitable for Use as Service Equipment for Manufactured Homes or Mobilehomes”. MH-unit lot service equipment shall be capable of supplying not less than the required demand to an MH-unit. The rating of the overcurrent protection in the MH-unit lot service equipment shall not exceed the rating of the feeder assembly connected by a permanent wiring method. MH-unit lot service equipment may contain any or all of the approved receptacles conforming to section 1186 of this chapter.

(b) The lot service equipment for existing lots need not be upgraded to comply with the minimum standards contained in subsection (a). However, subject to the conditions and park approvals contained in section 1188, lot service must meet the rated load of the existing or proposed unit installed on the lot, including other attached loads.

(c) MH-unit lot service equipment may also contain a means for supplying accessory buildings or structures or building components or other electrical equipment located on the lot, provided the MH-unit lot service equipment is designed and listed for such application.

(d) Only one power supply connection shall be made to a unit.

(e) Lot service equipment may also contain additional receptacles for supplying portable electrical equipment, provided that such receptacles are listed grounding-type receptacles. All 120-volt, single-phase, 15-and 20-ampere receptacle outlets in lot service equipment shall be protected by ground-fault circuit protection. The requirement for ground-fault circuit protection shall not apply to equipment or installations constructed, installed, or approved for construction or installation prior to September 1, 1975.

(f) When an electrical meter is installed as an integral component of the lot service equipment, it shall be of a class or rating that will accurately measure all loads up to the rated ampacity of the lot service equipment.

(g) When the electrical meter-base equipment is to be attached to the MH-unit at the time of installation, an alteration permit for the unit is required pursuant to Section 18029 of the Health and Safety Code.

(h) Parks constructed after January 1, 1997, shall have individual electric meters for each lot and shall be served by electrical distribution facilities owned, operated, and maintained by the electrical corporation as defined in section 218 of the Public Utilities Code providing electric service in the area, in accordance with Public Utilities Code section 2791.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18550, 18605 and 18670, Health and Safety Code; and Section 2791, Public Utilities Code.
HISTORY:
1. Amendment of section heading, section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section heading and subsection (a), new subsection (b) and subsection relettering filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
3. Amendment of subsection (a) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1182. Installation of Lot Service Equipment

(a) Approved lot service equipment supplied by underground feeders may be of the self–supporting type and shall be stabilized by concrete not less than three and one–half (3 1/2) inches thick and surrounding the equipment base by not less than six (6) inches beyond the equipment base in all directions.

(b) Approved lot service equipment supplied by underground feeders requiring installation on a mounting post shall be securely fastened to a nominal four (4) inches by four (4) inches redwood or pressure treated post or equivalent. The post shall be installed not less than twenty–four (24) inches in the earth and stabilized by a concrete pad. The concrete pad shall be not less than three and one–half (3 1/2) inches thick, surrounding the post base by not less than six (6) inches beyond the post base in all directions. The equipment shall be mounted with the bottom of the equipment not less than twelve (12) inches above the stabilizing concrete pad.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1183. Access to Electrical Equipment

All park or lot service equipment shall be accessible by an unobstructed entrance or passageway not less than twenty-four (24) inches in width and seventy-eight (78) inches high and shall have a working space not less than thirty (30) inches wide and thirty-six (36) inches deep in front of any panel opening on the service equipment used for examination, servicing, adjustment, or maintenance. The lot service equipment shall be located and maintained not less than twelve (12) inches nor more than seventy-eight; (78) inches above the stabilizing pad.

EXCEPTION: parks constructed prior to July 1, 1979, shall have a working space not less than thirty (30) inches wide and thirty (30) inches deep in front of and centered on the service equipment.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550 and 18670, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1646 to new section 1183, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1184. Lot Location

Equipment to supply electrical power to a unit shall be located within four (4) feet of the unit or the proposed location of the unit.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18670, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1185. Electrical Appliances, Equipment, and Air Conditioning

(a) When electrical equipment or fixed appliances are installed to serve a unit, an accessory building or structure, or building component, the installation shall be supplied by one of the following methods:

(1) By an individual branch circuit from the unit terminating in a single outlet or junction box, provided a permit is obtained from the department for the alteration to the unit. An alteration permit shall be obtained from the department pursuant to the requirements of Title 25, California Code of Regulations, Chapter 3, section 4042.

(2) By means of a permanent wiring method to the lot electrical service equipment, provided the lot service equipment is designed and listed for the additional load.

(b) When central air–conditioning equipment is proposed to be installed on a unit which was not originally designed for central air conditioning, an alteration permit shall be obtained from the department pursuant to the requirements of Title 25, California Code of Regulations, Chapter 3, section 4042. A permit to alter the unit is required, provided the unit bears or is required to bear the department's insignia of approval, or a HUD label of approval.

(c) If the park electrical system or the feeder supplying the lot electrical service equipment does not have the ampacity to supply the air–conditioning equipment in addition to its connected load, a permit to construct, as required in section 1018 of this chapter, shall be obtained for alteration of the required service supply and equipment.

(d) All electrical appliances and equipment not located within enclosed weatherproof structures must be approved for use in wet locations.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18670, Health and Safety Code. Reference: Sections 18550 and 18670, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1650 to new section 1185, including amendment of section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

2. Amendment of subsection (b) and new subsection (d) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of subsection (a)(1) and 2 (Register 2005, No. 33).

§ 1186. Lot Receptacles

(a) A receptacle used to supply electrical energy to a unit shall conform with the American National Standards Institute–National Electrical Manufacturers Association (ANSI–NEMA) Standard, WD–6, 1997 for one of the following configurations:

(1) 125/250 volts, 50–amperes, 3 pole, 4 wire, grounding type for 120/240 volt systems.

(2) 125 volts, 30–amperes, 2 pole, 3 wire, grounding type for 120 volt systems.

(3) 125 volts, 20–amperes, 2 pole, 3 wire, grounding type for supplying units having only one 15 or 20–ampere branch circuit.

(b) ANSI–NEMA Standards may be obtained on–line from www.nema.org or by calling (703) 841–3200 or by writing to NEMA, Communications Department, 1300 North 17th Street, Rosslyn, Virginia, 22209.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1188. Existing Electrical Installations

(a) Lot service equipment shall have the capacity to supply the unit, appliance, accessory building or structure, and building component located on the lot. The park operator may prohibit the installation of a unit, appliance, accessory building or structure, or building component that exceeds the rated capacity of the lot electrical service, unless the load in the unit, appliance, accessory building or structure, or building component is reduced. If the unit or electrical appliance is allowed to be installed by the park and the connected load on the lot exceeds the rated capacity of the lot electrical service equipment, the lot electrical service equipment and feeders shall be replaced with equipment and conductors properly rated to supply the unit, appliance, or accessory building or structure. Notwithstanding the provisions of this subsection, park approval is required when an alteration or addition to the existing electrical system of the unit, appliance, accessory building or structure, or building component will exceed the rated capacity of the lot service equipment.

(b) The enforcement agency may order unsafe installations of existing electrical systems or portions thereof to be reconstructed or altered, if necessary for the protection of life and property.

(c) The use of electrical equipment and installations in existence prior to the effective date of applicable amendments to this chapter may be continued, provided such equipment and installations are maintained in safe operating condition and the calculated connected loads do not exceed the rated ampacity of such equipment and installations.

(d) Lot electrical service equipment may continue supplying accessory buildings or structures or building components or other electrical equipment located outside the unit, provided the lot electrical service has the capacity to serve them and the equipment is maintained in a safe operating condition.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550, 18605, 18610 and 18670, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1644 to new section 1188, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1190. Authority to Order Disconnect-Electrical

(a) The enforcement agency is authorized to require any electrical installation or equipment found to be defective, and in such condition as to endanger life or property, to be disconnected.

(b) Installations which have been disconnected shall not be re-energized until a permit has been obtained to repair the electrical installation or equipment, and the work has been inspected and approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550 and 18670, Health and Safety Code

Article 4. Fuel Gas and Oil Requirements

§ 1200. Application and Scope

(a) The requirements of this article shall apply to the construction, installation, arrangement, alteration, use, maintenance, and repair of fuel gas and oil equipment and installations for supplying fuel gas and oil to parks, units, and accessory building or structures in all parts of the state.

(b) Existing construction, connections, and installations of fuel gas or oil made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Sections 18300, 18610 and 18690, Health and Safety Code. Reference: Sections 18610 and 18690, Health and Safety Code.
HISTORY:
1. Repealer and new section filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of article heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1202. Application and Scope

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18300, 18610, 18690, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1204. Permit Required

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500, 18501, 18502 and 18690, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1206. Federal Regulations

A park gas piping distribution system is subject to the Pipeline Safety Law of 1994 (49 USC Section 1971) and regulations adopted by the Office of Pipeline Safety Operations. The applicable regulations are contained in Title 49 of the Code of Federal Regulations, Parts 191 and 192.

(a) The operator of a park gas piping system is responsible for complying with the federal regulations in addition to this chapter. A permit is not required from the enforcement agency for the installation of cathodic protection if the existing gas piping system is not otherwise altered.

This chapter does not prohibit the installation of cathodic protection systems and requirements for corrosion control of buried or submerged metallic gas piping systems required by the federal regulations in existing systems. If there is any conflict between the provisions of this chapter and the federal regulations, the provisions of the federal regulations shall prevail.

(b) Plans and specifications for the installation of a metallic gas piping system shall specify methods of protecting buried or submerged pipe from corrosion, including cathodic protection, unless it can be demonstrated that a corrosive environment does not exist in the area of installation. The design and installation of a cathodic protection system shall be carried out by, or under the direction of, a person qualified by experience and training in pipeline corrosion methods so that the cathodic protection system meets the requirements of Title 49 of the Code of Federal Regulations, Parts 191 and 192.

(1) All buried or submerged metallic gas piping shall be protected from corrosion by approved coatings or wrapping materials. All gas piping protective coatings shall be approved types, machine applied, and conform to recognized standards. Field wrapping shall provide equivalent protection and is restricted to those short sections and fittings necessarily stripped for threading or welding. Risers shall be coated or wrapped to a point at least six (6) inches above grade.

(2) All metallic gas piping systems shall be installed in accordance with plans and specifications approved by the enforcement agency, including provisions for cathodic protection. When the cathodic protection system is designed to protect only the gas piping system, the gas piping system shall be electrically isolated from all other underground metallic systems or installations. When a cathodic protection system is designed to provide all underground metallic systems and installations with protection against corrosion, all such systems and installations shall be electrically bonded together and protected as a whole.

(3) When non–metallic gas piping is installed underground, a locating tape or No. 18 AWG or larger copper tracer wire shall be installed with and attached to the underground piping for the purpose of locating the piping system. The locating tape or tracer wire shall terminate above grade at an accessible location at one or more ends of the piping system. Every portion of a plastic gas piping system consisting of metallic risers or fittings shall be cathodically protected against corrosion.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1208. Basic Fuel Gas Regulations

(a) Except as otherwise permitted or required by this article, all fuel gas equipment and installations for supplying fuel gas to units or accessory buildings or structures, and fuel gas piping systems outside of permanent buildings in parks, shall comply with the requirements found in the California Plumbing Code, Chapter 12.

(b) The requirements for fuel gas equipment and installations within permanent buildings in parks are located in the California Mechanical Code and the California Plumbing Code unless otherwise provided by this chapter. However, in a city, county, or city and county, which has assumed responsibility for enforcement of the Mobilehome Parks Act and

Special Occupancy Parks Act, pursuant to sections 18300 and 18865 of the Health and Safety Code, and has adopted and is enforcing a plumbing and mechanical code equal to or greater than the requirements of the California Plumbing Code and the California Mechanical Code, may enforce its code as it pertains to permanent buildings.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18690, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36)
2. Amendment filed 5–26–87; operative 6–25–87 (Register 87, No. 23).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1210. Liquefied Petroleum Gas (LPG)

All LPG equipment and installation of tanks one hundred twenty–five (125) US gallons or larger shall comply with the applicable provisions of the Unfired Pressure Vessel Safety Orders, California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 1, unless otherwise provided by this chapter.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18690, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1211. LPG Tanks

(a) LPG tank installations in parks must conform to the provisions related to LPG tanks contained in Chapter 38 of the California Fire Code, which is hereby incorporated by reference.

(b) MH-Units designed and constructed with securely mounted tanks, may be served by either the lot or mounted tanks, but not by both at the same time.

(c) A permit from the enforcement agency is required to install fuel tanks exceeding sixty (60) U. S. gallons within a park.

(d) LPG tanks shall be designed and constructed in accordance with nationally recognized standards for unfired pressure vessels.

(e) LPG tanks shall be securely, but not permanently, fastened to the mobilehome or recreational vehicle hitch or a substantial post to prevent accidental overturning.

(f) All LPG tanks located in a floodplain as designated by the local floodplain management agency shall be securely anchored to prevent flotation.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1664 to new section 1211, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. New subsections (e) and (f) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1212. Location of LPG Tanks

(a) Except for tanks on personal, portable LPG fueled appliances, no LPG tank shall be stored or located in any of the following locations:

(1) within five (5) feet of any source of ignition (lot electrical service is not a source of ignition);

(2) within five (5) feet of any mechanical ventilation air intake;

(3) under any unit or habitable accessory building;

(4) within any structure or area where three (3) or more sides are more than fifty (50) percent closed; or

(5) Within five (5) feet of property lines and lot lines of adjacent lots that can be built upon.

(b) No LPG tank shall be filled within ten (10) feet of a source of ignition, openings into direct–vent (sealed combustions system) appliances, or any mechanical ventilation air intake.

(c) An LPG system within a motor–driven vehicle or recreational vehicle is exempt from the requirements of subsections (a) and (b).

(d) An LPG tank may be located under a ventilated snow cover open on all sides. The snow cover shall not be connected to any other structure and shall not extend more than one (1) foot beyond the tank in any horizontal direction.

(e) LPG tanks that are less than 125 U.S. gallons may be located immediately adjacent to a unit or building or accessory building or structure if all of the requirements of subsection (a) of this section are met.

(f) The discharge from the LPG tank pressure relief device shall be at least five (5) feet horizontally from the unit or another structure's openings below the level of such discharge.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.

HISTORY:
1. Renumbering of former section 1670 to new section 1212, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28). For prior history, see Register 85, No. 36.
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of section heading and subsections (a) and (a)(3)-(4) and new subsections (a)(5) and (d)-(f) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1214. Material

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1216. Installation

(a) All main line gas piping installed below ground shall have a minimum earth cover of:

(1) twenty-four (24) inches or,

(2) eighteen (18) inches when installed in the same trench as other utilities; and covered with clean fill free from stones, boulders, cinderfill, construction debris or other material that may damage the piping.

(b) Gas service lines installed below ground shall have a minimum cover of 18 inches.

(c) Existing piping installations in compliance with the requirements in effect at the time of its installation may continue in use in accordance with section 1200 of this Chapter.

(d) Gas piping shall not be installed underground beneath buildings, concrete slabs or other paved areas of a lot directly abutting the unit, or that portion of the lot reserved for the location of units, or accessory buildings or structures, or building components unless installed in a gastight conduit.

(1) The conduit shall be pipe approved for installation underground beneath buildings and not less than schedule 40 pipe. The interior diameter of the conduit shall be not less than one–half (1/2) inch larger than the outside diameter of the gas piping.

(2) The conduit shall extend to a point not less than twelve (12) inches beyond any area where it is required to be installed, any potential source of ignition or area of confinement, or the outside wall of a building, and the outer ends of the conduit terminating underground shall be sealed. Where one end of the conduit terminates within a building, unit, accessory building or structure, or building component, it shall be readily accessible and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building, unit, accessory building or structure, or building component.

(3) The space between the conduit and the service line must be sealed to prevent gas leakage into the building, unit, accessory building or structure, or building component, and, if the conduit is sealed at both ends, a vent line from the annular space must extend to a point where gas would not be a hazard, and extend above grade, terminating in a rain and insect resistant fitting.

(e) A carport or awning roof may extend over an individual lot gas piping lateral and outlet riser, provided the completed installation complies with all other requirements of this chapter and the covered area is ventilated to prevent the accumulation of gas.

(f) The use of gas piping in parks constructed prior to June 25, 1976, that was originally installed under the area to be occupied by the unit or accessory building or structure, may be continued provided the piping is maintained in a safe operating condition.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
3. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1218. Park Gas System Shutoff Valve

A readily accessible and identified shutoff valve controlling the flow of gas to the entire park–owned gas piping system shall be installed at the point of connection to the service piping or supply connection.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1220. Lot Gas Shutoff Valve

(a) Each lot shall have a gas shutoff valve, listed for its intended use by a department–approved listing agency, installed in a readily accessible location upstream of the lot gas outlet.

(b) The valve shall be located on the lot gas riser outlet at a height of not less than six (6) inches above grade.

(c) The lot gas shutoff valve shall not be located under or within any unit, or accessory building or structure.

EXCEPTION: gas shut–off valves may be located under an awning or carport that is not enclosed complying with Article 9 of this chapter.

(d) Whenever the lot gas riser outlet is not in use, it shall be closed with an approved cap or plug to prevent accidental discharge of gas.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1222. Lot Gas Outlet

(a) The gas riser outlet shall terminate within four (4) feet of the unit, or proposed location of the unit on the lot.

(b) Each unit connected to the gas riser outlet shall be connected by a listed flexible gas connector in accordance with section 1354 of this chapter.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18690, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment of subsection (b) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1224. Mobilehome; Gas Connector

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550, 18690, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Editorial correction of section heading (Register 2005, No. 33).

§ 1226. Gas Meters

(a) When gas meters are installed, they shall not depend on the gas riser outlet for support. Gas meters shall be adequately supported by a post and bracket or by other means approved by the enforcement agency.

(b) Meters shall not be installed beneath units, in unventilated or inaccessible locations, or closer than three (3) feet from sources of ignition. The unit electrical service equipment shall not be considered a source of ignition when not enclosed in the same compartment with a gas meter.

(c) All gas meter installations shall be provided with a shutoff valve or cock located adjacent to and on the inlet side of the meter. In the case of a single meter installation utilizing a LPG tank, the tank service valve may be used in lieu of the shutoff valve or cock.

(d) Each meter installed shall be in a readily accessible location and shall be provided with unions or other fittings so as to be easily removed and replaced while maintaining an upright position.

(e) Parks constructed after January 1, 1997, shall have individual gas meters for each lot and shall be served by gas distribution facilities owned, operated, and maintained by the gas corporation, as defined in section 222 of the Public Utilities Code, providing gas service in the area.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18690, Health and Safety Code. Reference: Section 18690, Health and Safety Code; and Section 2791, Public Utilities Code.
HISTORY:
1. Amendment of subsection (c) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1228. Mechanical Protection

Where subject to physical damage from vehicular traffic or other causes, all gas riser outlets, regulators, meters, valves, tanks or other exposed equipment shall be protected by posts, fencing, or other barriers approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1229. Regulator and Relief Vents

Atmospherically controlled regulators shall be installed in such a manner that moisture cannot enter the regulator vent and accumulate above the diaphragm. Where the regulator vent may be obstructed because of snow or icing conditions, a shield, hood, or other device approved by the enforcement agency shall be provided to guard against closing the vent opening.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1230. Required Gas Supply

(a) The minimum hourly volume of gas required at each lot outlet, or any section of a park gas piping system shall be calculated as shown in Table 1230–1.

(b) Required gas supply for other fuel gas consuming appliances connected to the park gas piping system shall be calculated as provided in the California Plumbing Code, Chapter 12.

Table 1230–1
Demand Factors for Use in Calculating Gas Piping Systems in Parks

Number of Lots	BTU Per Hours Per Lot
1	125,000
2	117,000
3	104,000
4	96,000
5	92,000
6	87,000
7	83,000
8	81,000
9	79,000
10	77,000
11–20	66,000
21–30	62,000
31–40	58,000
41–60	55,000
Over 60	50,000

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment of subsection (b) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1232. Gas Pipe Size

The size of each section of a gas piping system shall be calculated as provided in the California Plumbing Code, Chapter 12 or by other standard engineering methods acceptable to the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1234. Fuel Oil Tanks

Tanks used for supplying fuel oil to a unit equipped with oil–burning appliances, shall not be larger than one hundred and fifty (150) gallons capacity. Not more than two (2) tanks with a combined maximum capacity of one hundred and fifty (150) gallons may be installed on any lot.

(a) Tanks shall be located not closer than five (5) feet to a lot line or the nearest side of a roadway.

(b) Tanks shall be located in an area not accessible to motor vehicles or shall be provided with protection from contact by vehicles by means of posts or other barriers approved by the enforcement agency.

(c) Tanks elevated above ground shall be maintained on rigid noncombustible supports of adequate size to support the tank when filled, and installed on concrete foundations or footings to prevent movement or settling. Each tank shall be securely fastened to the supporting frame.

(d) Every tank shall be adequately designed, installed, vented, and maintained to prevent entrance of rain and debris.

(e) A shutoff valve located immediately adjacent to the gravity feed connection of a tank shall be maintained in the supply line to the unit.

(f) Fuel oil connectors from the tank to the unit shall be brass or copper tubing or approved flexible metal hose not smaller than three–eighths (3/8) inch and shall be protected from physical damage. Aluminum tubing shall not be used.

(g) Valves and connectors shall be listed standard fittings maintained liquid–tight to prevent spillage of fuel oil on the ground.

(h) All fuel oil tanks shall be maintained in safe operating condition by the owner or lessee of the tanks, consistent with this section.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18610, 18690 and 18691, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1698 to new section 1234, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1236. Authority to Order Disconnect of Fuel Gas Equipment

(a) The enforcement agency shall require the gas utility or person supplying gas to a park to disconnect any gas piping or equipment found to be defective and in such condition as to endanger life or property.

(b) Gas piping or equipment which has been ordered disconnected by the enforcement agency shall not be reconnected to a gas supply until a permit has been obtained to alter, repair or reconstruct the gas piping and the work has been inspected and approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550 and 18690, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1672 to new section 1236, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 5. Plumbing Requirements

§ 1240. Application and Scope

(a) The requirements of this article shall apply to the construction, installation, arrangement, alteration, use, maintenance, and repair of all plumbing equipment and installations to supply water to, and dispose sewage from, units, accessory buildings or structures and permanent buildings in all parts of the state.

(b) Existing plumbing construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Sections 18300, 18554, 18610 and 18630, Health and Safety Code. Reference: Sections 18554, 18610 and 18630, Health and Safety Code.
HISTORY:
1. Repealer and new section filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1242. Application and Scope

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18300 and 18630, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1244. Permits Required

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500 and 18630, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1246. Basic Plumbing Regulations

(a) Except as otherwise permitted or required by this article, all requirements for plumbing equipment and installations outside of permanent buildings in parks shall comply with the California Plumbing Code, with the exception of Chapter 1.

If there is any conflict between the provisions of this chapter and the California Plumbing Code, the provisions of this chapter shall prevail.

(b) All requirements for plumbing equipment and installations within permanent buildings in parks shall comply with the California Plumbing Code, except in a city, county, or city and county, which has assumed enforcement responsibility and has adopted, and is enforcing, a plumbing code equal to or greater than the requirements of this article.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Sections 18300 and 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 5–26–87; operative 6–25–87 (Register 87, No. 23).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1248. Sewage Disposal

(a) All park drainage systems shall discharge into a public sewer or a private sewage disposal system approved by the local health department.

(b) Septic tanks shall not be located within five (5) feet of any unit, accessory building or structure, or permanent building. Leach or disposal fields shall not be located within eight (8) feet of any unit, accessory building or structure, or permanent building.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18554 and 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1250. Material

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1252. Installation

Listed nonmetallic pipe and fittings installed in park drainage systems shall be installed in accordance with their listing and applicable standards. When installed under roadways, minimum depth of cover for nonmetallic drain pipe shall be thirty–six (36) inches. The pipe shall be bedded on a minimum of three (3) inches of clean sand and shall be backfilled with a minimum cover depth of six (6) inches of clean sand, granulated earth or similar material. The trench shall then be backfilled in thin layers to a minimum of twelve (12) inches above the top of the nonmetallic pipe with clean earth, which shall not contain stones, boulders or other materials, which would damage or break the pipe.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Sections 18610 and 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11356.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1254. Lot Drain Inlet

(a) Each lot shall be provided with a drain inlet not less than three (3) inches in diameter and shall be connected to an approved sewage disposal system.

(b) Drain inlets shall be provided to accommodate a threaded or clamp–type fitting for connecting drain connectors at proper grade. The drain inlet shall be accessible at ground level. The vertical riser of a drain inlet shall not exceed three (3) inches in height above the concrete supporting slab. Drain inlets shall be gas–tight when not in use.

(c) Each drain inlet shall be protected from movement by being encased in a concrete slab not less than three and one–half (3 1/2) inches in thickness and surrounding the inlet by not less than six (6) inches on any side.

(d) Drain inlets and extensions to grade shall be of material approved for use under or within a building.

(e) The lot drain inlet shall be located within four (4) feet of the outside of the unit, or under the unit within eighteen (18) inches of the exterior wall of the unit.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (d) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1256. Location of Lot Drain Inlet

AUTHORITY:
Note: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendments filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1258. Trap

When a unit is installed, or proposed to be installed and its plumbing fixtures are not protected by approved traps and vents, a lot drain inlet shall be provided with an approved trap.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1260. Venting

Where a drain inlet trap is provided, it shall be individually vented with a vent pipe of not less than two (2) inches interior diameter unless the system is a wet vented system as provided in section 1264 of this article.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1262. Vent Location and Support

All vent pipes in outdoor locations shall be located at least ten (10) feet from an adjoining property line and shall extend at least ten (10) feet above ground level. All vent pipes shall be supported by at least the equivalent of a four (4) inch by four (4) inch nominal dimension redwood post securely anchored in the ground. One–piece galvanized iron vent pipes may be self–supporting if securely anchored at their base in concrete at least twelve (12) inches in depth and extending a minimum four (4) inches out from the pipe.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1264. Wet Vented Systems

(a) In lieu of the individual vents, the park drainage system may be wet vented by means of a combination drain, waste, and vent system. Wet vented systems in which the trap for one or more lots is not individually vented shall be of sufficient size and provided with an adequate vent or vents to assure free circulation of air. Wet vented drainage systems may be permitted only when each such system conforms to Table 1268–1 and Table 1268–2 and all of the following requirements for such systems:

(1) A wet vented drainage system shall have a terminal vent installed not more than fifteen (15) feet downstream from the uppermost trap on any branch line and shall be relief vented at intervals of not more than one hundred (100) feet or portion thereof.

(2) Wet vented drainage laterals shall be not more than six (6) feet in length for three (3)–inch diameter pipe and not more than fifteen (15) feet in length for four (4)–inch diameter pipe.

(3) No vertical drain pipe shall be permitted in any wet vented drainage system, except the tail pipe of the trap or riser of the drain inlet. Tail pipes shall be as short as possible, and in no case shall exceed two (2) feet in length.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Repealer of subsections (d) and (e) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1266. Systems Without Traps

Terminal or relief vents are not required for drainage systems without traps.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1268. Pipe Size

(a) Each lot drain inlet shall be assigned a waste loading value of six (6) fixture units and each park drainage system shall be sized according to Table 1268–1 or as provided herein. Drainage laterals shall be not less than three (3) inches in diameter.

(b) A park drainage system in which the grade, slope, or sizing of drainage pipe does not meet the minimums specified in Tables 1268–1 or 1268–2 shall be designed by a registered engineer for a minimum velocity flow of two (2) feet per second.

(c) Park drainage systems installed without P–traps or vents may be sized for individually vented systems in accordance with Table 1268–1.

(d) A park drainage system which exceeds the fixture unit loading of Table 1268–1 shall be designed by a registered engineer.

TABLE 1268–1
Drainage Pipe Diameter and Number of Fixture Units on Drainage System

Size of Drainage Pipe (Inches)	Maximum No. of Fixture Units Individually Vented System	Maximum No. of Fixture Units Wet Vented System	Terminal & Relief Vent Wet Vented System (Inches)
3	35	14	2
4	180	35	3
5	356	180	4
6	600	356	4

TABLE 1268–2
Minimum Grade and Slope of Drainage Pipe

Pipe Size (inches)	Slope per 100 ft. (inches)	Pipe Size (inches)	Slope per 100 ft. (inches)
2	25	6	8
3	20	8	4
4	15	10	3 1/2
5	11	12	3

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1270. Lot Water Service Outlet

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18630, 18691, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1272. Shutoff Valve

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1274. Lot Water Service Outlet

(a) Each lot shall be provided with a potable water lot service outlet. The lot water service outlet riser shall be an approved rigid metallic material and not less than three–quarter (3/4) inch nominal pipe size. Each lot water service outlet shall be provided with an accessible water outlet designed for connecting a three–quarter (3/4) inch female swivel hose connection as defined in section 1308 of this chapter, in addition to the unit water connection.

(b) The lot water outlet shall be located within four (4) feet of the outside of the unit, or under the unit within eighteen (18) inches of the exterior wall of the unit.

(c) A separate water service shutoff valve shall be installed in each lot water service outlet at each lot.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18630 and 18691, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1276. Pressure

(a) Parks constructed between July 11, 1979 and July 6, 2004, shall have water distribution systems capable of providing a pressure not less than fifteen (15) pounds per square inch at each lot at maximum operating conditions. Parks constructed before and after the above dates must be capable of maintaining twenty (20) pounds per square inch at maximum operating conditions.

(b) The testing of a water system in a park to determine the maximum operating condition shall be either performed at the reported time of maximum water pressure loss, if within normal business hours, or measured with twenty–five (25) percent of the required lot water supply outlets, as defined in section 1308 of this chapter, open with the pressure metering device at the end of the tested line.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. New section filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29). For prior history, see Register 2004, No. 28.
2. Editorial correction of 1 (Register 2005, No. 33).

§ 1278. Water Pipe Size

(a) The quantity of water required to be supplied to each lot shall be as required for six (6) fixture units.

(b) Park water distribution systems shall be designed and installed as set forth in California Plumbing Code, Chapter 6, and Appendix A.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment of subsection (b) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1280. Mechanical Protection

Where subject to physical damage, all park water service outlets shall be protected by posts, fencing, or other barriers approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1282. Mobilehome Water Connector

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550, 18630, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Editorial correction of section heading (Register 2005, No. 33).

§ 1284. Water Conditioning Equipment

(a) A permit shall be obtained from the enforcement agency prior to installing any regenerating water conditioning equipment on a lot. Approval of the park operator is required on all applications for a permit to install such equipment. Where the water conditioning equipment is of the regenerating type, and the park drainage system discharges into a public sewer, approval of the sanitary district or agency having jurisdiction over the public sewer is required prior to issuance of the permit.

(b) Regenerating water conditioning equipment shall be listed and labeled by an approved listing agency.

(c) Regenerating units shall discharge the effluent of regeneration into a trap not less than one and one–half (1 1/2) inches in diameter connected to the park drainage system. An approved air gap shall be installed on the discharge line a minimum of twelve (12) inches above the ground. The trap need not be vented.

(d) Electrical supply connections to regenerating water conditioning equipment shall comply with the requirements of this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18630 and 18670, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 6. Fire Protection Standards for Parks

§ 1300. Application and Scope

(a) For parks with a permit to construct dated on or after July 7, 2004, fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24, 1995 Edition, which is hereby incorporated by reference, shall be installed and maintained in every park consisting of fifteen (15) or more lots, or parks enlarged to consist of fifteen (15) or more lots. Installation of fire protection equipment is required only for the new lots added.

(b) For parks with a permit to construct dated between September 1, 1968, and July 7, 2004, fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24,1977 Edition, which is hereby incorporated by reference, shall be maintained in every park consisting of fifteen (15) or more lots.

(c) Testing of Private Fire Hydrants. Park owners and operators shall be responsible for the operation and water flow requirements of all private fire hydrants installed in any park, regardless of its age or number of lots in the park, and responsible for compliance with other applicable provisions of this article.

(d) Reciprocity of Enforcement Agencies. The provisions of section 1302 and sections 1316 through 1318 of this article, do not create any obligation for the enforcement agency to report violations to a fire agency, or for the fire agency to report violations to the enforcement agency. However, this subsection does not preclude either enforcement agencies or fire agencies from sharing information related to fire prevention or suppression in parks.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1302. Local Fire Prevention Code Enforcement

(a) When the department is the enforcement agency, a fire agency, as defined in this chapter, may elect to assume responsibility to enforce its fire prevention code in parks, within its jurisdictional boundaries, by providing the department with a written thirty (30) day notice pursuant to Health and Safety Code section 18691(d).

(b) The written notice assuming enforcement responsibilities for fire prevention shall clearly identify the geographical boundaries of the jurisdiction of the fire agency and include the name and address of each park located within these geographical boundaries.

(c) The fire agency that has assumed responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries pursuant to this article, shall do all of the following:

(1) Enforce its fire prevention code as it applies to each of the following areas: fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, debris abatement, combustible storage abatement and burglar bars.

(2) Apply its fire prevention code provisions only to conditions:

(A) that arise after the adoption of its fire prevention code;

(B) not legally in existence at the adoption of its fire prevention code; or

(C) that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

(3) Upon assuming responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries, the fire agency shall notify all park operators within thirty (30) days of the assumption of enforcement responsibility.

(A) This notification shall include identification of the specific applicable codes that will be enforced, where copies of the identified codes may be obtained, and the scope and proposed time frame of any established or proposed inspection program.

(B) The park operator shall post a copy of the notification in the park as near as possible to the location where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.

(d) A fire agency that has assumed responsibility for enforcement of its fire prevention code, pursuant to this article and Section 18691 of the Health and Safety Code, shall also be deemed to have assumed fire prevention enforcement responsibility within its jurisdictional boundaries for all special occupancy parks, as set forth in Title 25, California Code of Regulations, commencing with Section 2300 and Section 18873.5 of the Health and Safety Code,

(e) If a fire agency, that has assumed responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries, decides to cancel its responsibility, it shall provide the following:

(1) A written notice to the department not less than thirty (30) days prior to the proposed cancellation date.

(2) A written cancellation notice clearly identifying the geographical boundaries of the jurisdiction for which the fire agency is returning enforcement, and includes the name and address of each park located within these geographical boundaries.

(3) A written notification to all park operators within its jurisdictional boundaries of the cancellation of enforcement responsibility prior to the date of cancellation of enforcement responsibility. The notice shall contain the date of transfer for enforcement responsibility and a statement to the park operator to post the notice.

(A) The park operator shall post a copy of the notification in the park as near as possible to the location where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.

(4) Transfer all park records to the department on or before the effective date of the transfer of enforcement responsibility.

(f) A fire agency canceling its responsibility for enforcement of its fire prevention code, according to this article and Section 18691 of the Health and Safety Code, shall also be deemed to have canceled its fire prevention enforcement responsibility, within its jurisdictional boundaries, for all special occupancy parks, as set forth in Title 25, California Code of Regulations, commencing with Section 2300 and Section 18873.5 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Sections 18300 and 18691, Health and Safety Code.
HISTORY:
1. New section filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1). For prior history, see Register 85, No. 36.
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1304. Local Regulations

(a) The provisions of this article are not applicable in parks located within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by this article.

(b) Any reporting requirements imposed by the local agency fire prevention code shall be in addition to, and shall not replace, the reporting requirements of this article.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18300 and 18691, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1305. Fire Fighting Instructions

In areas where fire department services are not available, the park operator shall be responsible for the instruction of park staff in the use of private park fire protection equipment and their specific duties in the event of fire.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1684 to new section 1305, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1306. Permits Required

No person shall construct, reconstruct, modify, or alter any installations relating to fire protection equipment within a park unless a written permit has been obtained from the enforcement agency with written evidence of approval from the fire agency responsible for fire suppression in the park.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18500, Health and Safety Code.
HISTORY:
1. Amendment filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1308. Lot Installations

In addition to the water connection to the unit, each lot constructed shall have installed an accessible three–quarter (3/4)–inch valved water outlet, with an approved vacuum breaker installed, designed for connecting a three–quarter (3/4)–inch female swivel hose connection for fire suppression use.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1310. Alternate Systems

Where the required water supply is inadequate to comply with the provisions of this article and either outside protection, or local conditions justify reducing this requirement, other hydrant systems may be installed provided the alternate system is approved by the fire agency responsible for fire suppression in the park and by the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Repealer and new section filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
3. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1312. Private Systems

(a) In areas where fire department services are not available, as determined by the enforcement agency, a private fire protection system shall be installed and maintained consisting of hydrant or wet standpipe risers connected to the park water main or a separate system capable of delivering seventy–five (75) gallons per minute at thirty (30) psi with at least two lines open, in addition to the normal requirements of the park, and with the hydrants or wet standpipes located within seventy–five (75) feet of each lot. Each hydrant or wet standpipe shall be provided with an approved one–and–one–half (1 1/2) inch hose valve and connection with one, one–and–one–half (1 1/2) inch national standard male outlet and shall have connected thereto a minimum of seventy–five (75) feet of one and one–half (1 1/2) inch cotton or dacron jacketed rubber lined fire hose with an approved cone type nozzle with a minimum one–half (1/2) inch orifice. The fire hose shall be mounted on an approved hose rack or reel enclosed in a weather resistant cabinet which shall be painted red and marked “FIRE HOSE” in four (4) inch letters of contrasting color.

(b) In parks constructed prior to September 1, 1968 that have hydrants installed, the hydrants shall be provided with not less than thirty-five (35) pounds water pressure. These hydrants must meet the hose requirements contained in subsection (a) of this section, but are not required to meet the water flow requirements contained in subsection 1316(c) of this Article. In the event this water pressure is not available, seventy-five (75) feet of three-quarter (3/4) inch hose with attached cast brass adjustable spray stream, shut-off nozzle, in a weather-protected cabinet which must deliver four and one-half (4.5) gallons of water per minute at any given point within the mobilehome park, may be substituted for one and one-half (1 1/2) inch diameter hose as specified herein.

AUTHORITY:
Note: Authority cited: Sections 18300, 18610 and 18691, Health and Safety Code. Reference: Sections 18610 and 18691, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 1314. Care of Equipment

All fire protection and suppression equipment shall be protected against freezing in any areas subject to freezing.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1694 to new section 1314, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28). For prior history, see Register 85, No. 36.

§ 1316. Private Fire Hydrant Operation and Water Flow Requirements

(a) Private fire hydrants, as defined in this article, shall meet the operational requirements as prescribed in subsection (b) of this section, and meet the water flow standards prescribed by subsection (c) of this section.

(b) Operation. Private fire hydrants shall have at least the following characteristics in order to be considered operational for the purposes of this article:

(1) valves that operate fully, freely and are properly lubricated,

(2) threads and caps that are undamaged,

(3) reasonable protection from vehicular damage,

(4) outlets on hydrants are fourteen (14) inches to twenty–four (24) inches above grade. Standpipes outlets need not be a specific height, but must be readily accessible.

(5) thirty–six (36) inches of unobstructed access around the hydrants;

(6) locators or markings to clearly identify their location; and

(7) Each one and one–half (1 1/2) inch hydrant meets the requirements for hoses, locations, storage and storage cabinet marking as defined in section 1312 of this article.

(c) Water Flow. Private fire hydrants, as defined in this article, shall have water flow not less than any one of the following:

(1) five hundred (500) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire hydrant with a four (4) inch or larger barrel or riser, or

(2) two hundred and fifty (250) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire hydrant with a two and one–half (2 1/2) inch barrel or riser, or

(3) seventy–five (75) gallons per minute with a minimum residual pressure of thirty (30) psi for a fire hydrant with a one and one–half (1 1/2) inch outlet with an approved one–and–one half–inch (1–1/2) hose as required in section 1312.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. New section filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1317. Private Fire Hydrant Test and Certification

(a) Verification of Private Fire Hydrant Test and Certification. The Private Fire Hydrant Test and Certification Report, a form defined in section 1002 of this chapter, shall be used to verify that private fire hydrants have been tested and certified for operation and water flow. All park operators shall submit the form, including parks that qualify for testing exceptions, to the enforcement agency for the park.

(b) Annual Test and Certification of Operation. Private fire hydrants shall be tested annually in order to determine that they are operational as specified in subsection 1316(b) of this article. Verification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park, as required in section 1319 of this article. The annual hydrant operational test may be performed and verified by a park operator for the years between the five-year water flow tests. However, the five-year test and certification of water flow and the operational test performed at that time shall not be certified by the park operator. The five-year test and certification of water flow and the operational test shall only be certified by one of the entities listed in subsection (c) of this section.

(c) Five-Year Test and Certification of Water Flow and Operational Test.

(1) Private fire hydrants shall be tested and certified at least once every five (5) years for minimum water flow as prescribed in section 1316 of this article, as well as for operation as specified in subsection 1316(b) of this article. Certification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park as required in section 1319 of this article.

(2) Parks existing prior to December 31, 2002, shall submit verification of their five-year test and certification for minimum water flow, beginning with the permit to operate renewal year 2008, after the initial water flow test has been completed.

(3) The five-year test and certification of the required water flow and the operational test shall be conducted during the 12 months prior to the renewal of each fifth year park permit to operate. The previous five-year renewal for the prior permit to operate must have complied with the required water flow standards set forth in section 1316 of this article.

(4) Testing for the required water flow shall be conducted in such a manner as to ensure there is no pollution of the storm drain system or any other water or drainage systems within, or serving, the park, and no damage to structures or improvements within or outside of the park.

(5) The test results reported on the designated form shall only be certified by one of the following:

(A) the fire agency responsible for fire suppression in the park,

(B) a local water district,

(C) a licensed C-16 Fire Protection Contractor, or

(D) a licensed Fire Protection Engineer.

(6) In order to certify the test results reported on the form, the fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer shall witness the test. The fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer, may also perform the test.

AUTHORITY:
Note: Authority cited: Sections 18300, 18610 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. New section filed 1-3-2002; operative 1-3-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
2. Change without regulatory effect amending subsections (a), (b)(1) and (b)(2)-(d) filed 11-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 45).
3. Amendment filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
4. Amendment of section and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
5. Amendment of subsections (c)(5) and (c)(6) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1318. Private Fire Hydrants with Violations

(a) Correction of Violation. If, at any time, a test undertaken pursuant to this article, or any other test or event, indicates that a private fire hydrant is in violation of any provision of section 1316, within sixty (60) days of the date of the event or the test of the private fire hydrant, the park operator shall obtain a permit to construct from the park enforcement agency, and shall promptly begin and maintain activity to ensure the private fire hydrant meets the minimum requirements of this article. This timeframe may be extended for extenuating circumstances subject to approval by the enforcement agency.

(b) Approval to Use Existing Private Fire Hydrant. Where the water flow test of a private fire hydrant reveals a water flow less than that specified in subsection 1316(c) of this article, and it is determined that the private fire hydrant cannot be repaired to meet the water flow requirement, the park operator may request approval from the fire agency responsible for fire suppression in that park to continue using the existing private fire hydrant. Approval to use the existing private fire hydrant may be granted by an authorized agent for the fire agency responsible for fire suppression in the park, by signing Part VI on the form prescribed in subsection 1317(a).

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. New section filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
2. Change without regulatory effect amending subsection (b) filed 11–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 45).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1319. Private Fire Hydrant Compliance for Park Operation

(a) Permits to operate shall not be issued for parks with private fire hydrants that do not meet the requirements of this article.

(b) When applying for or renewing a permit to operate, the park operator shall submit the original form prescribed in subsection 1317(a) to the enforcement agency, as defined in this article, and a copy forwarded to the fire agency responsible for fire suppression in the park.

(c) Provided a park meets all other requirements for obtaining or renewing a permit to operate, a permit to operate may be issued to a park where the form prescribed in subsection 1317(a), has been submitted to the enforcement agency and one of the following options exists:

(1) the form shows no violations;

(2) the water flow test reveals a water flow less than that specified in subsection 1316(c) of this article, and the park operator has obtained an approval for the continued use of the existing private fire hydrant from the fire agency responsible for; fire suppression in that park, pursuant to subsection 1318(b);

(3) a construction permit has been obtained and activity maintained to ensure the private fire hydrant meets the minimum requirements of this article;

(4) all violations of section 1316 are corrected, and a revised or final form as prescribed in subsection 1317(a), verifying the correction, has been submitted to the enforcement agency, or

(5) the system meets or exceeds the requirements approved at the time of its construction.

(d) Refusal to issue a permit to operate pursuant to this section shall not preclude a park enforcement agency from pursuing other enforcement remedies as provided by law, or the fire agency from pursuing enforcement remedies provided by applicable laws or ordinances.

(e) The enforcement agency shall maintain, for a minimum of six (6) years, all copies of the form prescribed in subsection 1317(a), which shall be available for review by the department.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. New section and new Form HCD MP 532 filed 1–3–2002; operative 1–3–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 1).
2. Change without regulatory effect amending subsections (b), (c), (c)(4) and (e) filed 11–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 45).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
4. Amendment of subsections (c)(2)–(c)(4), new subsection (c)(5) and amendment of subsection (d) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
5. Editorial correction of 4 (Register 2005, No. 33).

Article 7. MH-Unit and Commercial Modular Installations and Facilities

§ 1320. Application and Scope

(a) The requirements of this article shall apply to the installation of MH-units and shall apply to all parts of the state within and outside of parks.

(b) Installation provisions that apply to manufactured homes and mobilehomes shall apply equally to multifamily manufactured home installations subject to California Health and Safety Code section 18008.7, this chapter and any other applicable laws or regulations.

(c) The requirements of this article also apply to any MH-unit reinstallation or any alteration, addition or changes to an original or prior MH-unit installation.

(d) These installation requirements do not apply to recreational vehicles or to MH-units set up for display on dealer sales lots. However, MH-units displayed as sales models in parks shall comply with the requirements; of this chapter.

(e) An installation or reinstallation on a different lot pursuant to Health and Safety Code section 18613, shall include the following:

(A)(1) A tiedown system consisting of listed tiedown assemblies installed as required by section 1336.2 of this article, or

(B) An engineered tiedown system designed by an engineer or architect in compliance with section 1336.3 and installed according to the engineered plans and specifications; and

(2) If concrete piers or steel piers are used in the support system for the MH-unit, mechanical connection of the piers to the MH-unit and of the piers to their footing in compliance with the requirements of section 1334.1.

(f) Existing construction, connections, and installations of MH-units made before the effective date of the requirements of this chapter, may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

(g) Sections 1333 and 1333.5 of this article apply to commercial modulars installed on foundation systems and are applicable to all parts of the state both within and outside of parks.

(h) At the discretion of the local jurisdiction, a commercial modular as defined in Health and Safety Code section 18001.8 that is built upon an attached chassis may be installed using the same support system requirements as an MH-unit.

AUTHORITY:
Note: Authority cited: Sections 18300, 18551, 18613 and 18613.4, Health and Safety Code. Reference: Sections 18008.7, 18045.6, 18551, 18613 and 18613.4, Health and Safety Code.
HISTORY:
1. Amendment filed 12-21-79 as an emergency; designated effective 1-1-80. Certificate of Compliance included (Register 79, No. 51).
2. Repealer and new section filed 8-22-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 36).
3. Amendment of article heading, designation and amendment of subsections (a)-(b), new subsections (c)-(e) and amendment of NOTE filed 9-8-94 as an emergency; operative 9-19-94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-17-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of article heading, designation and amendment of subsections (a)-(b), new subsections (c)-(e) and amendment of Note refiled 1-18-95 as an emergency; operative 1-17-95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-95 or emergency

language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-18-95 order including amendment of subsections (c)(1)-(c)(1)(B) transmitted to OAL 3-31-95 and filed 5-12-95 (Register 95, No. 19).
6. Amendment of article heading, section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
7. Amendment of subsections (c), (e)(2) and (f), new subsection (g) and amendment of Note filed 7-22-2005; operative 7-22-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
8. Editorial correction of subsection (b) and History 7 (Register 2005, No. 33).
9. Amendment of subsection (b) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
10. New subsection (h) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1322. MH Units Installed in Fire Hazard Severity Zones

(a) MH-units and commercial modulars installed in parks in any Fire Hazard Severity Zone designated in Title 25, Division 1, Chapter 3, Subchapter 2, Article 2.3 commencing with section 4200(a) and (b), shall comply with the exterior ignition-resistant construction system requirements of Title 25, Division 1, Chapter 3, Subchapter 2, Article 2.3.

(b) MH-units installed outside of parks in High Fire Hazard Severity Zones shall comply with the exterior ignition-resistant construction requirements of subsection (a) and the applicable vegetation clearance provisions of section 4291 of the Public Resource Code and section 51182 of the Government Code.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code; Chapter 3, Article 2.3, California Code of Regulations; Section 4291, Public Resources Code; and Section 51182, Government Code.
HISTORY:
1. New section filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4). For prior history, see Register 85, No. 36.

§ 1324. Installation Permits

(a) A permit shall be obtained from the enforcement agency each time an MH-Unit, is located or installed on any site for the purpose of human habitation or occupancy. Permits are not required to locate recreational vehicles in a park.

(b) Requirements for applications and MH-Unit installation permits are contained in Article 1.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18045.6, 18500, 18613 and 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1326. Inspection

(a) An applicant obtaining a permit to install an MH-Unit or commercial modular shall notify the enforcement agency and request inspection at least twenty–four (24) hours in advance of the time the installation is expected to be completed.

(b) The applicant (or their representative) to whom the permit to install an MH-Unit was issued, shall:

(1) be on site and available to the official of the enforcement agency at the time of the inspection of the installation;

(2) have available to the enforcement official at the installation site a complete set of plans and specifications regarding the installation including the manufacturer's installation instructions, if available;

(3) provide on site test equipment required by section 1362, including a continuity tester, a polarity tester, and a pressure or slope gauge or manometer and

(4) perform the tests required in section 1362 of this article in the presence of the enforcement official.

(c) If the installation fails to comply with the requirements of sections 18551 or 18613 of the Health and Safety Code and/or this chapter, the enforcement agency shall provide a written notice of violation to the applicant or their representative stating the nature of the violation including a reference to the law or regulation being violated. The applicant or their representative shall perform the necessary corrective work and request reinspection within ten (10) days. The fee for reinspection shall be paid prior to reinspection.

(d) Upon completion of the MH-Unit's installation, the MH-Unit manufacturer's installation instructions, a copy of the approved plot plan, a copy of the permit, a copy of the plans and specifications for any engineered tiedown system or foundation system installed shall be placed by the installer within the MH-Unit for retention by the unit's owner.

(e) The MH-Unit shall not be occupied for human habitation prior to inspection and approval of the installation by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18551, 18613 and 18613.4, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 36).
2. Amendment of subsection (a), new subsections (b)–(b)(3), redesignation and amendment of subsection (c), new subsection (d) and amendment of NOTE filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a), new subsections (b)–(b)(3), redesignation and amendment of subsection (c), new subsection (d) and amendment of Note refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by

5–17–95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1–18–95 order including repealer and new subsection (b)(3) and amendment of subsection (d) transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
5. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1328. Utility Facilities

The utility facilities for the unit shall be either fully installed and approved or ready for inspection prior to the installation inspection of the unit on that lot. The unit shall not be approved for occupancy until all the required lot utilities have been approved. All connections shall comply with the requirements of this chapter.

AUTHORITY:
Note: Authority cited: Sections 18300, 18610, 18613, 18630, 18670 and 18690, Health and Safety Code. Reference: Sections 18550, 18551, 18610, 18613, 18630, 18670 and 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1330. Unit Separation and Setback Requirements Within Parks

(a) In parks, or portions of parks, constructed prior to September 15, 1961, units shall not be located closer than six (6) feet from any permanent building or another unit.

(b) In parks, or portions of parks, constructed on or after September 15, 1961, minimum separation distance shall be as follows:

(1) from a unit to any permanent building, not less than ten (10) feet.

(2) from a unit to any other unit, not less than:

(A) ten (10) feet from the side of one unit to the side of an adjacent unit;

(B) eight (8) feet from the side of one unit to the front or rear of an adjacent unit; and

(C) six (6) feet from the front or rear of one unit to the front or rear of an adjacent unit.

(c) A minimum setback of three (3) feet shall be maintained from the unit or the unit's projection or eave overhang and the adjacent lot line or property line. However, a unit may be installed up to a park roadway or common area provided there is no combustible building or structure in the common area within six (6) feet, and no building or structure of any kind within three (3) feet, of any portion of the unit. The maximum seventy-five percent (75%) lot coverage allowed by section 1110 of this chapter shall be maintained. Projections or eave overhangs shall not extend beyond a lot line bordering a roadway or common area.

(d) Unit projections or eave overhangs may intrude into the minimum distances required for separation, where separation requirements between units, as defined in subsection (b) of this section, are greater than six (6) feet, provided not less than a six (6)–foot separation is maintained between the edge of any unit projection or eave overhang, and an adjacent unit, permanent building, or combustible accessory building or structure and its projection, or eave overhang.

(e) Lot lines shall be identified as prescribed by section 1104.

(f) Units installed outside of parks shall comply with local requirements for setbacks and separations and shall not be required to have greater setbacks or separation than other similar dwellings within the local agency's jurisdiction.

(g) Setback and separation requirements for accessory buildings and structures or building components are contained in section 1428 of Article 9.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18610, Health and Safety Code. Reference: Sections 18300, 18551, 18610 and 18613, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
4. Editorial correction of subsection (g) and 2 (Register 2005, No. 33).
5. Amendment of subsection (c) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1332. Local Requirements

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18300, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1333. Foundation Systems

(a) Pursuant to Health and Safety Code section 18551, the requirements for MH-unit and commercial modular foundation systems are applicable throughout the state.

(b) The foundation system and the connection of a MH-unit to the foundation system shall be designed to withstand the vertical and lateral forces due to dead load, roof and floor live loads, wind and seismic loads in accordance with

the provisions of the California Residential Code and local soil conditions. The roof live load, wind and seismic loads as established for dwellings within specific local areas shall apply.

(c) The foundation system and the connection of a commercial modular to the foundation system shall be designed to withstand the vertical and lateral forces due to dead load, roof and floor live loads, wind and seismic loads in accordance with the provisions of the California Building Code and local soil conditions. The roof live load, wind and seismic loads as established for permanent buildings within specific local areas shall apply.

(d) The vertical and lateral load resisting elements shall be sized and located to resist the loads specified in the manufacturer's installation instructions. The manufacturer's installation instructions shall become a part of the foundation system plans. In the absence of the manufacturer's installation instructions, plans and specifications signed by an architect or engineer covering the installation of an individual MH-unit or commercial modular shall be provided to the enforcement agency.

(e) The foundation system and the connection of the MH-unit or commercial modular to the foundation system shall be capable of withstanding the vertical and lateral loads shown in the manufacturer's installation instructions, or plans and specifications signed by an architect or engineer, including locations where there are concentrated loads.

(f) When an MH-unit or commercial modular is installed on a foundation system, a foundation system plan shall be provided to the enforcement agency. The manufacturer may provide a foundation system plan in its installation instructions, or a foundation system plan may accompany the installation instructions. Foundation systems may be approved by the enforcement agency or the department. Foundation systems approved by the department shall be accepted by every enforcement agency as approved for the purpose of obtaining a construction permit when the design loads and conditions are consistent for the locality. The department shall require that foundation system plans and supporting data be signed by an architect or engineer.

(g) Local enforcement agencies shall not require the original signature or stamp of the architect or engineer on a foundation plan approved by the department.

(f) (h) Foundations for cabanas, porches, and stairways which are accessory to MH-units on foundation systems and foundations for building components shall be subject to approval of the enforcement agency. Porches and stairways which are accessory to commercial modulars on a foundation system shall be subject to approval of the enforcement agency.

(g) (i) When it is necessary for the department to approve plans or to make investigations of complaints relating to foundation system plans, fees shall be paid in accordance with section 1020.9 of article 1.

(h) (j) A standard plan approval may be obtained from the department for a plan for MH-unit or commercial modular foundation systems. The requirements for obtaining a standard plan approval are contained in section 1020.9 of article 1.

(i) (k) Multifamily manufactured homes consisting of three (3) or more dwelling units shall be installed on a foundation system pursuant to Health and Safety Code section 18551(a) or (b).

(l) In flood hazard areas, foundation systems must be capable of resisting loads associated with flood and wind events or combined wind and flood events, and homes must be anchored to prevent floatation, collapse, or lateral movement.

(1) The foundation installation instructions must indicate whether:

(A) The foundation specifications have been designed for flood-resistant considerations, and, if so, the conditions of applicability for velocities, depths, or wave action; or

(B) The foundation is not designed to address flood loads.

(2) This subsection becomes operative August 1, 2013.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18551 and 18008.7, Health and Safety Code.
HISTORY:
1. New section filed 12-21-79 as an emergency; designated effective 1-1-80. Certificate of Compliance included (Register 79, No. 51).
2. Amendment of subsection (f) filed 8-22-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
3. Amendment filed 8-22-85; effective thirtieth day thereafter (Register 85, No. 36).
4. Amendment of section heading, section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
5. Amendment of subsections (b) and (i) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
6. Amendment of subsection (b) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
7. Amendment of subsection (b), new subsections (c), (g) and (l)-(l)(2) and subsection relettering filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1333.5. Utility Connections for Manufactured Homes, Mobilehomes, and Commercial Modulars on Foundation Systems

(a) When an MH-Unit is installed on a foundation system pursuant to section 18551 of the Health and Safety Code, utility connections shall comply with the requirements of this chapter, or at the discretion of the MH-Unit owner, the connections may be installed as required for permanent residential buildings in compliance with the California Plumbing Code and California Electric Code.

(b) Whenever a commercial modular is installed, the utility connections shall comply with the California Plumbing Code and the California Electrical Code.

(c) The testing of MH-Unit utility systems and connections installed on a foundation system shall be performed in accordance with section 1362 of this Article.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18551, Health and Safety Code.
HISTORY:
1. New section filed 12–21–79 as an emergency; designated effective 1–1–80. Certificate of Compliance included (Register 79, No. 51).
2. Amendment filed 8–22–85; effective thirtieth day thereafter (Register 85, No. 36).
3. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1334. MH-Unit Support Piers and Footings

(a) Load bearing piers shall be constructed of rust resistant materials or treated to resist rust. The required load bearing capacity of individual support piers and their footings shall be calculated at not less than a combined live and dead load of seventy–five (75) psf based on roof live and dead load of twenty–five (25) psf and floor live and dead load of fifty (50) psf of the MH-unit.

(b) Load bearing piers, other than concrete block piers, shall be tested to determine the safe operating load. The tests shall be conducted by testing agencies approved by the department. Testing agencies shall provide a pier testing report to the department upon completion, regardless of the testing results. A unique number provided by the testing agency shall identify each test report. The following testing procedures shall be used:

(1) A compression test shall be performed on three (3) piers of the same height and construction, selected randomly at the pier manufacturing facility by a representative of the testing agency.

(A) The compression test shall be performed on piers with all required design assemblies installed, such as adjustable tops, clamps, securement devices or similar assemblies.

(B) The selected piers shall be subjected to the compression test with each pier, fully assembled as will be installed, placed squarely on a firm base, and tested to its failure point. The compression test shall be measured in psf. Support pier failure will be established when the support bends, cracks, buckles or deflects to an unsafe level as determined by the approved testing agency.

(C) The safe operating load of a support pier is one–third (1/3) the average of the three (3) failure tests.

(2) When piers differ in height or construction, design tests and evaluations must be performed on each type of pier.

(c) Tested load bearing piers other than concrete block piers shall be listed and labeled as follows:

(1) Listing of piers shall be conducted by listing agencies approved by the department.

(A) The listing agency shall conduct manufacturer facility audits and prepare finding reports not less than once per year. The audit report will include, at a minimum:

(i) the review of pier construction for compliance with manufactured designs as approved by the testing agency,

(ii) the materials used in its construction including type, size, and weight,

(iii) the manufacturers quality control program, if applicable, and

(iv) the label application and label control process.

(B) The listing agency shall provide an annual report to the department of its approval and audit findings.

(2) Pier supports shall display a legible permanent label of approval, visible when the pier support is installed. The label shall contain the following information:

(A) Manufacturer’s name,

(B) Listing agency name,

(C) Listing number issued by the listing agency,

(D) Testing agency’s approved operating load, and

(E) Testing agency’s test report number.

(d) Individual load bearing footings may be placed on the surface of the ground, and shall be placed level on cleared, firm, undisturbed soil or compacted fill. Where unusual soil conditions exist, as determined by the enforcement agency, footings shall be designed to compensate for such conditions. The allowable loading on the soil shall not exceed one thousand five-hundred (1,500) psf unless data to substantiate the use of higher values is approved by the enforcement agency.

(e) Footings shall be adequate in size to withstand the tributary live and dead loads of the MH-unit and any concentrated loads. The length to width ratio of the footing shall not exceed two and one–half (2.5) to one (1).

Individual footings for load bearing supports or devices shall consist of one of the following:

(1) Pressure treated lumber which meets the following requirements:

(A) Not less than two (2) –inch nominal thickness with a minimum of twenty–five (25) percent of the individual footings identified by an approved listing agency, as being pressure treated for ground contact.

(B) Knots. Well spaced knots of any quality are permitted in sizes not to exceed the following or equivalent displacement:

Nom. Width	Any Location	Holes (Any Cause)	
6”	2 3/8”	1 1/2”	

Nom. Width	Any Location	Holes (Any Cause)	
8”	3”	2”	One Hole or
10”	3 3/4”	2 1/2”	Equivalent
12”	4 1/4”	3”	Per Piece
14”	4 5/8”	3 1/2”	

(C) Splits. In no case exceed one–sixth (1/6) the length of the piece.

(D) Honeycomb or Peck. Limited to small spots or streaks of firm honeycomb or peck equivalent in size to holes listed in (B) above.

(2) Precast or poured in place concrete footings not less than three and one–half (3 1/2) inches in thickness. The concrete shall have a minimum twenty–eight (28)–day compressive strength of not less than two thousand five-hundred (2500) psi.

(3) Other material, approved by the department, providing equivalent load bearing capacity and resistance to decay.

(f) Individual load bearing piers or devices and footings shall be designed and constructed with sufficient rigidity and bearing area to evenly distribute the loads carried over one–third (1/3) the area of the footings as measured from the center of the footing. When two (2) or more two (2)–inch nominal wood pads placed side–by–side on the ground are used as a pier footing, a single wood cross pad must be installed on top of the ground contact pads at a ninety (90)–degree angle so as to place the directional wood grains opposing to each other. The cross pad must be of a length to cover each ground contact pad and be of two (2) inch nominal thickness. Footings shall be constructed of sufficient rigidity to evenly distribute the loads carried to the ground without bowing or splitting.

(g) When multiple wood footings are stacked, they shall be secured together with corrosion resistant fasteners at all four (4) corners of the pad which will penetrate at least eighty (80) percent of the base pad to prevent shifting.

(h) Individual load bearing piers, which do not include the footing as defined in section 1002 of this chapter, located under the MH-unit’s chassis shall not exceed thirty–six (36) inches in height.

(i) When more than one–quarter (1/4) of the area of the MH-unit is supported at a height of three (3) feet or more as measured between each unit’s chassis and the ground, the MH-unit shall be installed on a foundation system in accordance with sections 18551 (a) or (b) of the Health and Safety Code.

(j) No portion of the support system above the ground shall extend beyond the vertical plane of the side or end wall of the MH-unit that would restrict or inhibit installation of skirting.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18300 and 18613, Health and Safety Code.
HISTORY:
1. Amendment of subsection (a) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of subsections (a), (d) and (i) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1334.1. Mechanical Connection of Concrete Piers or Steel Piers

Mechanical connection of all steel piers or concrete piers to an MH-Unit and to the pier’s footing is subject to the requirements of this section.

(a) When live loads are applied to an MH-Unit installed pursuant to Health and Safety Code section 18613, mechanical connection of steel piers or concrete piers shall be capable of maintaining the placement of the support system of the MH-Unit to the point of the failure of either the attachment point on the MH-Unit, the pier or the footing.

(1) The means of mechanical connection shall not allow the separation of the MH-Unit from any pier or footing as a result of horizontal loads or vertical loads,

(2) Failure occurs when the attachment point on the MH-Unit, the pier or the footing yields or fractures or is deformed to a point that threatens the health and safety of the occupants of the MH-Unit.

(b) For the purposes of this section, live loads are restricted to the following:

(1) horizontal loads applied to the attachment point on the MH-Unit in both directions parallel to the attachment point and in both directions perpendicular to the attachment point; and

(2) vertical loads applied to the attachment point on the MH-Unit in both directions upward and downward from the point of contact between the pier footing and the ground.

(c) Mechanical connection of the concrete pier or steel pier to the point of attachment on the MH-Unit shall comply with the following requirements:

(1) The means of mechanical connection shall be fabricated of steel that is not less than one–eighth (1/8) of an inch thick and not less than two (2) inches wide and two (2) inches long;

(2) Fasteners incorporated as part of the mechanical connection shall be no smaller than three–eights (3/8) inch grade 5 bolts, nuts and lock washers; and

(3) The means of mechanical connection shall not incorporate modifications of either the pier or of the MH-Unit.

(4) The means of mechanical connection at the center line between each transportable section of a multi–section MH-Unit shall consist of one quarter (1/4) inch lag bolts or wood screws and shall secure the pier to a wood floor structural member.

(d) A listed concrete pier or steel pier complies with subsection (c) if it incorporates into its structure a means of mechanical connection to the MH-Unit.

(e) Mechanical connection of a concrete pier or steel pier to the pier's footing shall be fabricated of corrosion resistant components.

(f) A listed concrete pier or steel pier complies with subsection (e) if it incorporates into its structure a means of mechanical connection to the pier footing.

AUTHORITY:
Note: Authority cited: Sections 18300, 18613 and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1336.4 to new section 1334.1, including amendment of section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1334.2. Mechanical Connection of Concrete Block Piers

While nothing in this section requires the installation of an MH-unit to include the mechanical connection of concrete block piers, the following standards have been developed for the mechanical connection of a concrete block pier to an MH-unit and to the pier's footing.

(a) When live loads are applied to an MH-unit installed pursuant to Health and Safety Code section 18613, mechanical connection of concrete block piers shall be capable of maintaining the placement of the support system of the MH-unit to the point of the failure of either the attachment point on the MH-unit, the pier or the footing.

(1) The means of mechanical connection shall not allow the separation of the MH-unit from any pier or footing as a result of horizontal loads or vertical loads.

(2) Failure occurs when the attachment point on the MH-unit, the pier or the footing yields or fractures or is deformed to a point that threatens the health and safety of the occupants of the MH-unit.

(b) For the purposes of this section, live loads are restricted to the following:

(1) horizontal loads applied to the attachment point on the MH-unit in both directions parallel to the attachment point and in both directions perpendicular to the attachment point; and

(2) vertical loads applied to the attachment point on the MH-unit in both directions upward and downward from the point of contact between the pier footing and the ground.

(c) In order to test a device, assembly or arrangement designed to achieve mechanical connection of a concrete block pier to an MH-unit and to the pier's footing, the testing shall comply with the methods and specifications provided in this section, and the mechanical connection shall endure the testing without failure.

(d) The device, assembly or arrangement of mechanical connection of concrete block supports shall be tested in both of the following configurations:

(1) eight (8) inches by eight (8) inches by sixteen (16) inches concrete blocks shall be stacked three (3) blocks high, without wooden spacers between the blocks, upon a pressure–treated wood footing two (2) inches by twelve (12) inches by thirty (30) inches in size.

(2) eight (8) inches by eight (8) inches by sixteen (16) inches concrete blocks shall be stacked three (3) blocks high, with one (1)–inch wooden spacers between the concrete blocks, upon a pressure–treated wood footing two (2) inches by twelve (12) by thirty (30) inches in size.

(3) The concrete blocks used in the configurations shall comply with the requirements and reference standards contained in the California Building Code.

(e) A section of three (3)–inch flange by ten (10)–inch web steel "I" beam shall be used to simulate the point of attachment to the MH-unit.

(f) Two (2)–piece wooden wedges, driven together in opposition to one another and forming a thickness of not less than one (1) inch or more than two (2) inches between the topmost concrete block and the "I" beam, shall be used to simulate the typical surface bearing area between the concrete block pier support and the point of attachment to the MH-unit.

(g) The device, assembly or arrangement proposed as a means of mechanical connection for concrete block supports shall be installed in each of the configurations specified in subsection (d) and shall be subjected to the following procedures.

(1)(A) The footing shall be placed upon a level surface capable of supporting not less than one thousand five-hundred pounds (1,500) psf.

(B) The contact points between the wooden wedges and the "I" beam and between the concrete block and the footing shall be clearly marked.

(C) The "I" beam shall be raised vertically at least twelve (12) inches not less than five (5) times, without failure of the mechanical connection.

(D) Failure occurs if the points of contact of either the wooden wedges and the "I" beam or the concrete block and the footing has changed more than one (1) inch from the locations originally marked, as instructed in subsection (g)(1)(B).

(2)(A) The “I” beam shall be subjected to a constant vertical load of not less than one thousand five-hundred (1,500) psf at a point central to the concrete block pier configuration. The measurement between the level support surface and the bottom of the “I” beam shall be recorded.

(B) While maintaining the vertical load, the “I” beam shall be subjected to horizontal loads applied in both directions parallel to the “I” beam and in both directions perpendicular to the “I” beam. The mechanical connection shall withstand these forces without failure, until one or more of the concrete blocks fail to support the vertical load.

(C) Failure of one or more of the concrete blocks to support the vertical load occurs when the measurement recorded as directed in subsection (g)(2)(A) between the support surface and the bottom of the “I” beam, is decreased by one or more inches.

(D) Failure of the mechanical connection occurs if the points of contact of either the wooden wedges and the “I” beam or the concrete block and the footing have changed more than one (1) inch from the locations originally marked as instructed in subsection (g)(1)(B).

AUTHORITY:
Note: Authority cited: Sections 18300, 18613 and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1336.5 to new section 1334.2, including amendment of section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (d)(3). (g)(1)(A) and (g)(2)(A) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1334.4. Footings in Areas Subject to Ground Freezing

(a) Support footings shall be placed below the frost line depth, determined by the local jurisdiction, in areas subject to ground freezing.

(b) The lowest point of the footing shall be below the frost line on firm undisturbed soil.

(c) Footings shall be precast or poured in place concrete not less than three and one–half (3 1/2) inches in thickness, or other approved materials listed for use below grade. The concrete shall have a minimum twenty–eight (28)–day compressive strength of not less than two thousand five-hundred (2500) psi.

(d) No wood, or other non–masonry material not listed for use below grade, shall be below the surrounding grade and only pressure–treated wood and wood with natural resistance to decay and termites is permitted within six (6) inches of the soil.

(e) Holes for footings shall be open for inspection and backfilled prior to final inspection.

(f) Metal supports shall not be imbedded in soil or concrete.

(g) An additional inspection is required for verification of either footing depth or backfill, if not conducted at the time of the unit’s installation.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1334.5. Footings on Uneven Surfaces

When footings span an uneven surface, one of the following methods shall be used to level the area of the footing:

(a) Placed on firm undisturbed soil or compacted fill pursuant to section 1334(d).

(b) Poured in place concrete at least three and one–half (3 1/2) inches thick extending to the edge of the footing.

(c) Pressure–treated wood meeting the requirements of section 1334.

(d) Compacted class 2 aggregate with the level top footing surface extending a minimum 12 (12) inches beyond the edge of the footing.

(e) Fills for uneven surfaces exceeding six (6) inches in depth shall be made with poured in place concrete or alternate engineered method approved by the enforcement agency. The concrete shall have a minimum twenty–eight (28)–day compressive strength of not less than two–thousand–five–hundred (2500) pounds–per–square–inch.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18300 and 18613, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1334.6. Vapor Barriers

When the manufacturer’s installation instructions require the installation of a vapor barrier on the surface of the ground, the barrier shall be installed under the footings and in accordance with the manufacturer’s installation instructions.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18300 and 18613, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1335. Load Bearing Supports, Manufacturer's Installation Instructions

MH-Units manufactured on or after October 7, 1973, shall be installed in accordance with the approved manufacturer's installation instructions. Individual load bearing supports of a support system shall provide the support required by the manufacturer's instructions, including locations where there are concentrated loads. The footing areas shall be sized in accordance with section 1334 to support the loads shown in the manufacturer's installation instructions.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former section 1336 to new section 1335 filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
2. Renumbering and amendment of former section 1336 to new section 1335 and amendment of Note refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1–18–95 order transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
4. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1335.5. Load Bearing Support Systems Without Manufacturer's Installation Instructions

(a) MH-units manufactured prior to October 7, 1973, or MH-units for which the manufacturer's installation instructions are unobtainable, shall be supported in accordance with this subsection or on a foundation system in accordance with section 18551 of the Health and Safety Code. MH-units installed in areas exceeding a thirty (30)-pound roof live load, or to different requirements than prescribed in this section, shall have support systems designed and approved by an architect or engineer. The MH-unit shall be supported as follows:

(1) Main chassis beam supports spaced not more than six (6) feet apart longitudinally, as determined from table 1335.5-1,

(2) Ridge beam support systems as determined from table 1335.5-2, and

(3) wall supports under each end of a side wall opening that is forty-eight (48) inches or more in width, and under the perimeter walls at eight (8) foot intervals with footing sizes not less than two hundred seventy-five (275) square inches.

TABLE 1335.5–1
MH-unit Section Widths

Width of MH-unit Section	*Footing Area*
8 ft. wide	175 sq. in.
10 ft. wide	217 sq. in.
12 ft. wide	259 sq. in.
14 ft. wide	303 sq. in.
16 ft. wide	346 sq. in.

TABLE 1335.5–2

Span in feet Between Ridge Beam Locations	*Unit Section Width*			
	10 Foot	*12 Foot*	*14 Foot*	*16 Foot*
	Load in Pounds Per Square Foot			
Up to 5	1250	1500	1750	2000
6	1500	1800	2100	2400
7	1750	2100	2450	2800
8	2000	2400	2800	3200
9	2250	2700	3150	3600
10	2500	3000	3500	4000
11	2750	3300	3850	4400
12	3000	3600	4200	4800
13	3250	3900	4550	5200
14	3500	4200	4900	5600
15	3750	4500	5250	6000
16	4000	4800	5600	6400
17	4250	5100	5950	6800
18	4500	5400	6300	7200

Span in feet Between Ridge Beam Locations	*Unit Section Width*			
	10 Foot	*12 Foot*	*14 Foot*	*16 Foot*
	Load in Pounds Per Square Foot			
19	4750	5700	6650	7600
20	5000	6000	7000	8000
21	5250	6300	7350	8400
22	5500	6600	7700	8800
23	5750	6900	8050	9200
24	6000	7200	8400	9600
25	6250	7500	8750	10000

(b) Multi-section homes manufactured prior to October 7, 1973 or multi-section homes for which the manufacturer's installation instructions are unobtainable, shall be interconnected as designed and approved by an architect or engineer or as follows:

(1) Floor connections shall be made with a three-eighths (3/8) inch diameter lag bolt or equivalent, of a length sufficient to ensure a tight connection as determined by the enforcement agency at the time of inspection. The lag bolts shall be installed twenty-four (24) inches on center. The lag bolts shall be staggered on alternating sides located where the multi-section floor lines meet.

(2) Roof connections shall be made with a three-eighths (3/8) inch diameter lag bolt or equivalent, of length sufficient to ensure a tight connection as determined by the enforcement agency at the time of inspection. The lag bolts or equivalent shall be installed twenty-four (24) inches on center. The lag bolts shall be staggered on alternating sides where the multi-section rooflines meet.

(3) End wall connections shall be made with a number eight (8) screw or equivalent, of length sufficient to ensure a tight connection as determined by the enforcement agency at the time of inspection. The screws shall be installed eighteen (18) inches on center. The screws shall be staggered on alternating sides where the multi-section end walls meet.

AUTHORITY:
Note: Authority cited: Section 18300 and 18613, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. Renumbering and amendment of former section 1342 to new section 1335.5 filed 9-8-94 as an emergency; operative 9-19-94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-17-95 or emergency language will be repealed by operation of law on the following day.
2. Renumbering and amendment of former section 1342 to new section 1335.5 and amendment of Note refiled 1-18-95 as an emergency; operative 1-17-95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-18-95 order transmitted to OAL 3-31-95 and filed 5-12-95 (Register 95, No. 19).
4. Amendment of section heading, section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
5. Amendment of section heading and amendment of Table 1335.5-1 within subsection (a)(3) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1336. Wind Load Calculation

Wind load is calculated as follows:

(a) From the exterior of the MH-Unit, measure the total length of the exposed side wall in feet and in fractions of feet. Then measure the height of the exposed side wall in feet and fractions of feet, measuring from the point of connection of the side wall with the roof to the bottom of the sidewall, excluding any skirting installed at the site. Multiply the measurement of the length of the side wall by the measurement of the height of the side wall to obtain the exposed square footage of the side wall.

(b) From the exterior of the MH-Unit, measure the total length of the exposed roof in feet and fractions of feet. Then measure the height of the exposed roof in feet and fractions of feet, measuring vertically from the point of connection with the side wall to the peak of the roof. Multiply the measurement of the length of the roof by the measurement of the height of the roof to obtain the exposed square footage of the roof. Divide the square footage by two, in order to compensate for the reduced wind load against a pitched roof.

(c) Add the square footage obtained in the calculation described in subsection (a) to the square footage obtained in the calculation described in subsection (b) to obtain the total square footage of the exterior side of the MH-Unit exposed to wind load.

(d) Multiply the square footage obtained in the calculation described in subsection (c) by either the design wind load of the MH-Unit or by fifteen (15) psf, whichever is greater, to obtain the wind load. The design wind load of the MH-Unit is provided on the data plate permanently affixed to the MH-Unit.

EXAMPLE: The side wall of the MH-Unit measures sixty–two and one–half feet (62 1/2′) in length and ten feet (10′) in height. The roof of the MH-Unit measures sixty–three and one–half feet (62 1/2′) in length and four and one–third

feet (4 1/3′) in height. These measurements result in a calculated wind load of 11,437 pounds using the above–described method.

(a) 62.5 x 10 = 625 square feet
(b) 63.5 x 4.33 = 274.96/2 = 137.48 square feet
(c) 625 + 137.48 = 762.48 square feet
(d) 762.48 x 15 = 11,437.2 or a 11,437 pound wind load.

AUTHORITY:
Note: Authority cited: Sections 18300, 18613 and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1336 to section 1335 and new section filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
2. Renumbering of former section 1336 to section 1335 and new section refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1–18–95 order transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
4. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1336.1. Listed Tiedown Assemblies

Tiedown assemblies that are not part of an engineered tiedown system shall be listed as having been tested and found to be in compliance with the requirements of this section.

(a) A tiedown assembly consists of the ground anchor component and anchoring equipment. Anchoring equipment includes such components as:

(1) a tie, which connects the ground anchor to the MH-unit;
(2) a tensioning device, such as a turnbuckle or a yoke–type fastener; and
(3) fastening devices, such as an eye–bolt or a U–bolt–type cable clamp.

(b) A tiedown assembly shall be designed to prevent self–disconnection. Open hook ends shall not be used in any part of the tiedown assembly.

(c) Flat steel strapping used as a component of a tiedown assembly shall comply with the specifications and testing methods of ASTM Standard D3953–91, “Standard Specification for Strapping, Flat Steel and Seals,” which is hereby incorporated by reference.

(d) A ground anchor component designed for the connection of multiple ties and the means for the attachment of the ties shall be capable of resisting, without failure, the combined working load of the maximum number of ties that can be attached to the anchor.

(e) A tiedown assembly shall be tested by applying an increasing test load to the point of failure in order to determine the assembly’s capacity for resistance. A working load for the tiedown assembly shall be established from the test results, which shall be two–thirds (2/3) of the amount of resistance the tiedown assembly endured without failure.

(f) The tiedown assembly shall be tested while the ground anchor is installed as recommended by the manufacturer.

(1) The type of soil in which the ground anchor is installed for the application of a test load shall correspond to one of the classes of materials shown in California Residential Code, Table R 401.4.1. The working load of the listed tiedown assembly used in the calculations shall be for one-thousand five-hundred (1,500) pound soil, consisting of clay, sandy clay, silty clay and clayey silt, as classified in the California Residential Code, Table R 401.4.1.

(2) The test load shall be applied from the direction of the tie.

(g) Failure of the ground anchor component consists of the following occurrences:

(1) The application of the test load results in an uplift of the ground anchor greater than two (2) inches or a side deflection of the ground anchor greater than three (3) inches; or

(2) The ground anchor, including the means of attachment of the tie, breaks, separates, or is deformed in a manner that threatens the integrity of the tiedown assembly. A deformity that threatens the integrity of the tiedown includes one that would allow the tie to separate from the ground anchor or that would cause the tie to wear and break.

(h) Failure of a component of the anchoring equipment consists of the following occurrences:

(1) The tie stretches to a length more than two (2) percent greater than the length of the tie prior to the application of the test load; or

(2) A component of the anchoring equipment or the attachment point to the MH-unit yields or fractures upon application of the test load; or

(3) A component of the anchoring equipment or the attachment point of the MH-unit is deformed by the working load in a manner that is a threat to the integrity of the tiedown assembly.

(i) The listing for the tiedown assembly shall include the following information:

(1) The model identification number of the tiedown assembly;

(2) The working load of the listed tiedown assembly used in the calculations, shall be calculated for one-thousand five-hundred (1,500)psf soil, consisting of clay, sandy clay, silty clay and clayey silt, as classified in the California Residential Code, Table R 401.4.1; and

(3) Installation instructions for the tiedown assembly, including the manner in which the ground anchor component must be inserted into the ground in order to maintain the working load for which the tiedown assembly is rated. Such instructions include the angle at which the anchor must be inserted and the angle at which the tie must be attached.

(j) The ground anchor component of a listed tiedown assembly shall contain a permanent label that provides the manufacturer’s name and the listed model identification number of the tiedown assembly. The label shall be located on

the anchor in a place that it is visible after installation, and the information shall be provided on the label in a manner that is easy to read.

AUTHORITY:
Note: Authority cited: Sections 18300, 18613 and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. New section filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1–18–95 order transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
4. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
5. Amendment of subsections (f)(1) and (h)(2) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1336.2. Installation Requirements for a Tiedown System Consisting of Listed Tiedown Assemblies

The installation of a tiedown system consisting of listed tiedown assemblies shall comply with the requirements of this section.

(a) Unless otherwise specified in the MH-unit manufacturer's installation instructions, the number of tiedown assemblies that must be installed for each longitudinal side of an MH-unit shall be determined by dividing the wind load calculated as required in section 1336 by the working load of the listed tiedown assembly chosen for use.

(1) The quotient shall; be rounded up to equal the number of listed tiedown assemblies required for each longitudinal side.

(2) The working load of the listed tiedown assembly used in the calculations, shall be calculated for one-thousand five-hundred (1,500)-psf soil, consisting of clay, sandy clay, silty clay and clayey silt, as classified in the California Residential Code, Table R401.4.1.

(b) The number of tiedown assemblies required pursuant to subsection (a) may be reduced to no less than two (2) under the following circumstances:

(1) If the MH-unit's installation instructions provide for a reduction in the number of tiedown assemblies and for the subsequent, concentrated amount of resistance at specific points on the MH-unit; and

(2) if engineered data is submitted to and approved by the enforcement agency which substantiates a different class of materials constituting the soil into which the anchor is to be inserted, as provided in the California Building Code, Table 18-1-A.

(c) No less than two (2) tiedown assemblies shall be installed at each end of each transportable section of the MH-unit. The working load of the tiedown assemblies installed at each end of an MH-unit shall be the same as the working load of the tiedown assemblies installed along each of the longitudinal sides of the MH-unit.

(d) It is the responsibility of the contractor/installer to determine the location of all underground utilities within the MH-unit's lot, such as gas, water, sewer, electrical or communications systems, and to avoid the location of all underground utilities when choosing the specific location for the insertion of each ground anchor. The location of each anchor shall not violate the clearance requirements from underground utilities adopted by the Public Utilities Commission in General Order 128, pursuant to section 768 of the Public Utilities Code.

(e) If the MH-unit manufacturer's installation instructions are available and provide for the installation of a tiedown system, listed tiedown assemblies shall be installed as follows:

(1) The number of tiedown assemblies and the manner of attachment and location of the attachment of the tiedown assemblies to the MH-unit shall be as required by the installation instructions provided by the manufacturer of the MH-unit and by subsection (c); and

(2) The listed tiedown assemblies shall be installed as required by their listing and by subsections (a)(2), (h) and (j).

(f) If the installation instructions provided by the MH-unit's manufacturer do not provide for the installation of a tiedown system or if the MH-unit manufacturer's installation instructions are not available, all tiedown assemblies shall be installed as required by their listing and by this section.

(g) The required tiedown assemblies shall be spaced as evenly as practicable along the length of each side and end of the MH-unit, with no more than two (2) feet of open-end spacing at any end of the MH-unit, measuring from the point of the attachment of the tie to the MH-unit.

(h) No portion of the tiedown assembly shall extend above the ground beyond the vertical plane of the side or end wall of the MH-unit.

(i) A tie shall be wrapped around a main structural frame member and shall not attach to a steel outrigger beam that fastens to and intersects a main structural frame member.

(j) After the tie is connected with the MH-unit and to the ground anchor, the tie shall be drawn tight to eliminate all slack.

AUTHORITY:
Note: Authority cited: Sections 18300, 18613 and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. New section filed 9-8-94 as an emergency; operative 9-19-94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-17-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 1-18-95 as an emergency; operative 1-17-95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-95 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 1-18-95 order including amendment of subsections (b)(2) and (d) transmitted to OAL 3-31-95 and filed 5-12-95 (Register 95, No. 19).
4. Amendment of section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
5. Repealer and new subsection (a)(2) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1336.3. Engineered Tiedown System

An engineered tiedown system is a system designed by an engineer or architect that complies with the requirements of this section and Health and Safety Code section 18613.4.

(a) An engineered tiedown system shall allow an MH-Unit to resist wind loads of fifteen (15) pounds psf or the design wind load of the MH-Unit, whichever is greater.

(1) The engineered tiedown system shall provide the MH-Unit with the ability to resist wind loads against either side of the MH-Unit and against either end of the MH-Unit.

(2) The engineered tiedown system shall maintain solid contact with the ground while providing the MH-Unit with the required resistance.

(b) An engineered tiedown system shall be designed by an engineer or architect, who includes within the plans and specifications, a statement that the system meets the requirements of subsection (a).

(c) The plans and specifications for an engineered tiedown system, including installation instructions, shall contain an original engineer's or architect's stamp and signature or shall have a standard plan approval issued by the department.

AUTHORITY:
Note: Authority cited: Sections 18300, 18613 and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. New section filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1–18–95 order including amendment of first paragraph and subsection (a)(2) transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
4. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1336.4. Tiedown Anchors in Flood Hazard Areas

(a) In flood hazard areas, foundation and support system anchoring must be capable of resisting loads associated with flood and wind events or combined wind and flood events, and homes must be anchored to prevent floatation, collapse, or lateral movement.

(b) The tiedown manufacturer's installation instructions must indicate whether:

(1) The tiedown specifications have been designed for flood-resistant considerations, and, if so, the conditions of applicability for velocities, depths, or wave action; or

(2) The tiedown specifications are not designed to address flood loads.

(c) This section becomes operative August 1, 2013.

AUTHORITY:
Note: Authority cited: Sections 18300, 18613 and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. New section filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8). For prior history, see Register 2004, No. 28.

§ 1336.5. Mechanical Connection of Concrete Block Piers

AUTHORITY:
Note: Authority cited: Sections 18300(a), 18613(e) and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.
HISTORY:
1. New section filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1–18–95 order transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
4. Renumbering of former section 1336.5 to new section 1334.2 filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1337. Support Inspection

At the time of inspection, the installation of the MH-Unit on its support system shall be complete and the area under the MH-Unit shall be accessible for inspection.

(a) Skirting shall not be installed until all underfloor installations have been approved by the enforcement agency.

(b) Masonry walls shall not be installed until all underfloor installations have been approved by the enforcement agency, unless the installation of the masonry wall is required to provide perimeter support to the MH-Unit.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1350 to new section 1337, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1338. Roof Live Load

(a) Except as provided in section 1338.1 of this article, every MH-Unit installed shall have the capacity to resist the applicable minimum roof live load of the region in which it is installed as set forth in Table 1338–1 or as is further provided by this section. Table 1338–1 shall apply except where either greater or lesser snow loads have been established through survey of the region, and approved by the department. Except as described in Section 1338.1, below, at elevations above 4,000 ft., snow loads established for residential buildings by local ordinance shall apply.

(1) Region I includes the following counties: Alameda, Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Imperial, Kings, Lake, Los Angeles, Marin, Mendocino, Merced, Monterey, Napa, Orange, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Ventura, Yolo.

(2) Region II includes the following counties: Amador, Fresno, Inyo, Kern, Modoc, Riverside, San Bernardino, Siskiyou.

(3) Region III includes the following counties: Alpine, Calaveras, El Dorado, Lassen, Madera, Mariposa, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Tehama, Trinity, Tulare, Tuolumne, Yuba.

(b) When an application is submitted for a permit to install an MH-Unit manufactured prior to October 7, 1973, or an MH-Unit with a designed roof live load less than that specified in Table 1338–1 and it is known the MH-Unit will be subjected to snow loads, the plans and specifications shall include a method of protecting the MH-Unit from snow loads that is acceptable to the enforcement agency.

When approved by the enforcement agency, a ramada may be used to protect an MH-Unit which does not have the capacity to resist the minimum roof live load for the region in which it is to be installed. The ramada shall be designed to resist the minimum roof loads for the region in which it is constructed and shall be constructed pursuant to the provisions of section 1486.

(c) Parks that have received approval for a snow roof load maintenance program prior to July 7, 2004, must continue the program on existing installations. However, MH-Units located in parks at or below 4,000 feet in elevation installed after July 7, 2004, must have the capacity to resist the applicable minimum roof live loads of the region in which it is installed, as set forth in table 1338–1.

(d) This section does not apply to MH-Units installed prior to September 30, 1975.

(e) The park owner or operator shall maintain the snow roof load maintenance program, as long as units in the park do not meet the minimum roof loads for the area.

TABLE 1338–1
General Roof Live Load Requirements for MH-Units

Region I		Region II		Region III	
Elevation	Roof Live Load	Elevation	Roof Live Load	Elevation	Roof Live Load
All Elevations	20 psf	0–3000 ft	20 psf	0–2000 ft	20 psf
		3001–3500 ft	30 psf	2001–3000 ft	30 psf
		3501–5000 ft	60 psf	3001–4000 ft	60 psf

AUTHORITY:
Note: Authority cited: Sections 18300, 18605 and 18613, Health and Safety Code. Reference: Sections 18552, 18605 and 18613, Health and Safety Code.
HISTORY:
1. Amendment of subsection (a) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Change without regulatory effect amending subsections (a) and (c) and Note filed 2–2–2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 5).
4. Amendment of subsections (a) and (c), Table 1338-1 and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1338.1. Roof Live Loads for Mobilehome Parks Located Above 4000 Feet in Elevation

(a) Notwithstanding the provisions of Section 1338, if an MH-Unit that is proposed to be installed within a mobilehome park located above 4,000 feet in elevation does not have the capacity to resist the minimum snow loads as established for residential buildings by local ordinance, the MH-Unit may only be installed in a mobilehome park if all of the following conditions apply:

(1) The park has and is operating a snow roof load maintenance program approved by the enforcement agency;

(2) the MH-Unit has the capacity to resist a roof live load of sixty (60) pounds per square foot or greater;

(3) the installation complies with all other applicable requirements of this chapter;

(4) the installation is approved by the enforcement agency; and

(5) the enforcement agency’s approval of the snow roof load maintenance program is shown on the mobilehome park’s permit to operate.

(b) The operator of a mobilehome park located above 4,000 feet in elevation may request and obtain approval from the enforcement agency for a snow roof load maintenance program. The request for an approval shall include, but not be limited to, the following information:

(1) The type of maintenance to be used to control snow accumulation;

(2) the capacity and capability of personnel and equipment proposed to satisfactorily perform the snow roof load maintenance program; and

(3) an application for an amended permit to operate in accordance with section 1014 of this chapter.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18552, 18605 and 18613, Health and Safety Code.
HISTORY:
1. Change without regulatory effect adopting new section filed 2–2–2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 5).
2. Change without regulatory effect amending section filed 12–7–2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 49).
3. Editorial correction removing subsection (d) (Register 2006, No. 19).
4. Amendment of section heading and subsections (a) and (b) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1338.5. School Impact Fees

(a) The first installation of an MH-Unit on a lot in a park or an addition of a lot to an existing park where the permit to construct the lot was issued after September 1, 1986, may be subject to the assessment of a school impact fee when school impact fees are imposed by local school districts. The requirements and procedures governing the impact fees are set forth in Government Code sections 65995 and 65996 and Education Code sections 17620 through 17625.

(b) When the department is the enforcement agency, form HCD MP 502 must be submitted to the department prior to inspection of an installation and issuance of a Manufactured Home or Mobilehome Installation Acceptance or Certificate of Occupancy. The certification shall be signed by an authorized representative of the school district or districts and presented to the department prior to the issuance of an installation acceptance certificate or certificate of occupancy.

AUTHORITY:
Note: Authority cited: Section 18613, Health and Safety Code. Reference: Section 65995, Government Code; and Sections 17620, 17621, 17622, 17623, 17624 and 17625, Education Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1339. Compliance with Local Floodplain Management Ordinances

When the department is the enforcement agency, the applicant for a permit to install or reinstall an MH-Unit shall submit to the department, along with the application for permit to construct, a completed Floodplain Ordinance Compliance Certification For Manufactured Home/Mobilehome Installations, signed by an authorized representative of the local floodplain management agency.

EXCEPTION: When the department has been officially notified by the local floodplain management agency that a specific park is not in a floodplain, a new form is not required.

AUTHORITY:
Note: Authority cited: Section 18613, Health and Safety Code. Reference: Section 18300, Health and Safety Code; Sections 60.3 and 60.26, 44 CFR Parts 59 and 60; and and Executive Order B–39–77.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1340. Horizontal Wind Loads

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18300, 18605, 18613, Health and Safety Code.
HISTORY:
1. Repealer filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
2. Repealer refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1–18–95 order transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).

§ 1342. Other Mobilehomes

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1342 to section 1335.5 filed 9–8–94 as an emergency; operative 9–19–94 (Register 94, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–17–95 or emergency language will be repealed by operation of law on the following day.
2. Renumbering of former section 1342 to section 1335.5 refiled 1–18–95 as an emergency; operative 1–17–95 (Register 95, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–95 or emergency language will be repealed by operation of law on the following day.

3. Editorial correction of History 2 (Register 95, No. 19).
4. Certificate of Compliance as to 1–18–95 order transmitted to OAL 3–31–95 and filed 5–12–95 (Register 95, No. 19).
5. Editorial correction of section heading (Register 2005, No. 33).

§ 1344. Clearances

A minimum clearance of eighteen (18) inches shall be maintained between the underside of the floor joists, and grade level of the lot and a minimum clearance of twelve (12) inches shall be maintained between the main chassis beams of the MH-Unit and grade level of the lot. A minimum clearance of twelve (12) inches shall be maintained under all horizontal structural members of a support structure.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18605 and 18613, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1346. Skirting Design and Construction

(a) Where the space beneath an MH-unit is enclosed, there shall be provided a removable access panel opening a minimum of eighteen (18) inches by twenty–four (24) inches unobstructed by pipes, ducts, or other equipment that may impede access. The access panel shall not be fastened by any means requiring the use of a special tool or device to remove the panel.

(b) Cross ventilation shall be provided by openings having a net area of not less than one and one–half (1 1/2) square feet for each twenty–five (25) linear feet of the MH-unit and including all skirted structures such as porches. The openings shall be provided on at least the two (2) opposite sides along the greatest length of the unit and shall be installed as close to all the corners as practicable.

(c) When wood siding or equivalent home siding products are used as skirting material, the installation shall comply with the siding manufacturer installation instructions. Where siding manufacturer installation instructions are not available, the installation shall conform to the provisions of the California Residential Code. All wood products used in skirting construction located closer than six (6) inches to earth shall be treated wood or wood of natural resistance to decay. Where located on concrete slabs placed on earth, wood shall be treated wood or wood of natural resistance to decay.

(d) Where manufacturer installation instructions require the use of a ground vapor barrier under the MH-unit, skirting shall be provided in accordance with this section.

(e) When skirting is installed on an MHunit or accessory structure in a floodplain, as designated by the local floodplain management agency, the skirting shall be either:

(1) a flexible material that will not impede the water flow, or

(2) if constructed of rigid materials, have openings totaling one (1) square inch of opening for every one (1) square foot of enclosed area. The bottom of these openings shall not be more than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18605 and 18613, Health and Safety Code.
HISTORY:
1. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (b) and (c) and new subsections (d)–(e)(2) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1348. Leveling

After the installation is complete, the chassis and floor members of the MH-Unit shall be level.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1350. Support Inspection

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1350 to new section 1337 filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1352. Electrical Feeder Assembly

(a) An MH-Unit shall be connected to the lot service equipment by one (1) of the following means:

(1) Listed power supply cord, approved for mobilehome use.

(2) Feeder assembly.

(b) An MH-Unit with a calculated electrical load of 40–amperes or 50–amperes may be connected to the lot service equipment with a listed power supply cord.

(c) The power supply cord shall bear the following markings:

"For mobilehome use – 40 amperes" or "For mobilehome use – 50 amperes" as appropriate.

EXCEPTION: An MH-Unit, equipped with an existing power supply cord not listed for MH-Units may have its use continued, provided:

(1) The power supply cord used shall be listed: Type SO, ST, or STO.

(2) The power supply cord shall not be spliced.

(3) The male attachment plug shall conform to provisions of Article 550 or 551 of the California Electrical Code.

(d) An MH-Unit, with a calculated load in excess of 50–amperes, shall be connected to the lot service equipment by one (1) of the following:

(1) An MH-Unit, equipped with an overhead service drop, shall be connected by four (4) continuous, insulated conductors.

(2) An MH-Unit equipped for an underfloor feeder assembly shall be connected to the lot service equipment by means of a feeder assembly consisting of four (4) continuous, insulated, color–coded, feeder conductors suitable for wet locations, installed in an approved conduit. Connection at the MH-Unit shall be a flexible connection of at least thirty–six (36) inches in length.

(3) Conductors for an overhead installation or conductors for an MH-Unit feeder assembly used for underfloor installation shall be sized as follows:

(A) Conductors shall be sized in accordance with the requirements of the MH-Unit manufacturer's approved installation instructions.

(B) If the manufacturer's installation instructions are not available, the conductors shall be sized for the electrical load shown on the MH-Unit electrical label.

(C) In the absence of an electrical label on the MH-Unit or the MH-Unit manufacturer's approved installation instructions, the conductors shall be sized in accordance with the calculated load as determined by the provisions of the California Electrical Code, Articles 1, 2, and 3.

(e) The feeder assembly shall be installed above ground to be kept from direct contact with the earth.

(f) Only one (1) power supply connection to an MH-Unit for each dwelling unit shall be permitted. Where electrical service equipment is provided as a part of an MH-Unit, the power supply connection shall be made in accordance with applicable provisions of the California Electrical Code, Articles 1, 2, and 3.

(g) Power supply cords shall not be buried or encased in concrete.

(h) Feeder conductors shall be run in an approved rigid raceway if buried or encased in concrete.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18550 and 18613, Health and Safety Code.
HISTORY:
1. Relettering and amendment of former subsections (g)–(i) to subsections (f)–(h) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
4. Editorial correction of 3 (Register 2005, No. 33).

§ 1354. MH-Unit Gas Connector

(a) Each MH-Unit shall be connected to the lot outlet by an approved flexible gas connector, listed for its intended use, not more than six (6) feet in length and of adequate size to supply the MH-Unit gas appliance demand, as evidenced by the label on the MH-Unit. In the absence of a label, the MH-Unit demand shall be determined by the California Plumbing Code, Chapter 12.

(b) When the MH-Unit gas system needs to be extended, the extension must comply with National Manufactured Housing Construction and Safety Standards. Verification of compliance will be completed at the time of the installation inspection.

(c) Only one (1) gas supply connection to an MH-Unit for each dwelling unit shall be permitted.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18550 and 18613, Health and Safety Code.
HISTORY:
1. Amendment of subsection (a) and new subsection (d) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1356. MH-Unit Water Connector

An MH-Unit shall be connected to the lot water service outlet by a flexible connector approved for potable water, or at least eighteen (18) inches of soft copper tubing, not less than one–half (1/2) inch interior diameter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550, 18613 and and 18630, Health and Safety Code.
HISTORY:

1. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1358. Drain, Unit

(a) An MH-Unit shall be connected to the lot drain inlet by means of a drain connector consisting of approved pipe not less than schedule 40, with listed and approved fittings and connectors, and shall not be less in size than the MH-Unit drain outlet. A listed and approved flexible connector shall be provided at the lot drain inlet end of the pipe.

(b) Drain connectors and fittings for recreational vehicles shall be listed and approved for drain and waste.

(c) Recreational vehicles located in a park for more than three (3) months, or units with plumbing that are not self contained, shall have a drain connector complying with subsection (a).

(d) All drain connectors and fittings shall be maintained with a grade not less than one–eighth (1/8) inch per foot. A drain connector shall be gas–tight and no longer than necessary to make the connection between the unit's drain outlet and the drain inlet on the lot.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550, 18613 and 18630, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1360. Air–Conditioning Installation

(a) When an MH-Unit has been previously equipped with a portable air–conditioning appliance energized from the unit and is installed in a new location, the air–conditioning equipment may be energized in the same manner as originally installed, provided that it does not create a hazard.

(b) When central air–conditioning equipment is to be installed in an MH-Unit, a permit to alter the MH-Unit must be obtained from the Department and shall be energized from the MH-Unit.

(c) If the MH-Unit does not have the additional capacity to supply the air–conditioning equipment, it may be energized from the lot electrical service, provided the park electrical system has the capacity to supply the additional air–conditioning load and a permit to construct is obtained for the alteration of the lot electrical service.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18613, 18670 and 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1362. Installation Test

(a) The potable water distribution system of the MH-Unit and the supply connection shall show no evidence of leakage under normal operating pressures. If water at normal operating pressure is not available, the water distribution system shall be tested by a fifty (50) psi air pressure test for a period of not less than fifteen (15) minutes without leaking.

(b) The MH-Unit drainage piping system shall be connected to the lot drain inlet, and tested by allowing water to flow into all fixtures, and receptors, including the clothes washer standpipe, for a period of three (3) minutes. If water under pressure is not available, the drainage piping system shall be tested by letting at least three (3) gallons of water into each fixture and receptor. There shall be no visible evidence of leaks.

(c) The MH-Unit fuel gas piping system shall be tested before it is connected to the lot gas outlet. The gas piping system shall be subjected to a pressure test with all appliance shut–off valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shut–off valves ahead of fuel gas cooking appliances may be closed.

(1) The test shall consist of air pressure at not less than ten (10) inches nor more than a maximum of fourteen (14) inches water column. (Six (6) ounces to a maximum eight (8) ounces). The system shall be isolated from the air pressure source and maintain this pressure for not less than two (2) minutes without perceptible leakage. Upon satisfactory completion of the test, if the appliance valves ahead of fuel gas cooking appliances have been shut off, they shall be opened and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressures shall be measured with either a manometer, slope gauge, or gauge calibrated in either water inches or psi with increments of either one–tenth (1/10) inch or one–tenth (1/10) ounce, as applicable.

NOTE: The fuel–gas piping system shall not be over–pressurized. Pressurization beyond the maximum specified may result in damage to valves, regulators, appliances, etc.

(2) Gas appliance vents shall be inspected to insure that they have not been dislodged in transit and are securely connected to the appliance.

(d) The electrical wiring and power supply feeder assembly of the MH-Unit shall be tested for continuity and grounding. The electrical wiring system shall not be energized during the test. An MH-Unit equipped with a power supply cord shall not be connected to the lot service equipment. An MH-Unit equipped with a feeder assembly shall have the flexible metal conduit of the feeder assembly connected to the lot service equipment; however, the supply conductors, including the neutral conductor, shall not be connected.

(1) The continuity test shall be made with all interior branch circuit switches or circuit breakers and all switches controlling individual outlets, fixtures and appliances in the "on" position. The test shall be made by connecting one lead of the test instrument to the MH-Unit grounding conductor at the point of supply to the feeder assembly, and applying the other lead to each of the supply conductors, including the neutral conductor. There shall be no evidence of any connection between any of the supply conductors and the grounding conductor. In addition, all noncurrent–carrying metal parts of electrical equipment, including fixtures and appliances, shall be tested to determine continuity between such equipment and the equipment grounding conductor.

(2) Upon completion of the continuity test, the power supply cord or feeder assembly shall be connected at the lot service equipment. A further continuity test shall then be made between the grounding electrode and the chassis of the MH-Unit.

(3) If the final electrical connection has been approved by the enforcement agency and electrical energy is available at the lot equipment, a polarity test shall be conducted with the MH-Unit energized.

(e) When an MH-Unit consists of two (2) or more sections, all utility connections from one section to another shall be visually inspected and included in the tests.

(f) Upon approval of the installation and satisfactory completion of the gas and electrical tests, the lot equipment shall be approved for service connection.

(g) When installed, fire sprinkler systems shall be hydrostatically tested in accordance with Title 25, Chapter 3, Section 4320 reprinted below:

(a) A fire sprinkler system installed during the manufacture of the manufactured home or multi–unit manufactured housing with two dwelling units must be hydrostatically tested both at the manufacturing facility and at the home's installation site.

(1) The hydrostatic test performed at the manufacturing facility:

A. must be conducted on the completely assembled system within any one transportable section; and

B. must subject the system to 100 pounds per square inch (psi) hydrostatic pressure for not less than 2 hours without any loss of pressure or leakage of water. Testing shall be performed in accordance with the applicable product standards.

(2) The person responsible for installing the manufactured home or multi–unit manufactured housing with two dwelling units must hydrostatically test the system again at the home's installation site with the water supply available at the site for at least one hour without any evidence of leakage.

A. The testing must be performed at a minimum of 50 psi; not to exceed 100 psi.

B. A representative of the enforcement agency must witness the test at the installation site during the same visit to the installation site to inspect the installation of the home or dwelling unit.

(b) A fire sprinkler system installed after the manufactured home or multi–unit manufactured housing with two dwelling units is shipped from the manufacturing facility must be hydrostatically tested at the home's installation site.

(1) The person who installed the fire sprinkler system is responsible for performing the test.

(2) A representative of the enforcement agency must witness the test.

(3) The installer must conduct the test on the completely assembled system.

(4) The installer must conduct the test with the water supply available at the home's site for a period of two hours without any evidence of leakage. The testing must be performed at a minimum of 50 psi; not to exceed 100 psi.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. Amendment of subsections (b) and (c) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1364. Approval Tags

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18613, 18670, 18690, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1366. Statement of Mobilehome Installation Acceptance or Certificate of Occupancy

(a) A "Mobilehome Installation Acceptance" or "Certificate of Occupancy" shall not be issued until it is determined that the MH-Unit installation complies with the provisions of this chapter. The enforcement agency shall provide copies of the statement of MH-Unit installation acceptance or certificate of occupancy for the MH-Unit to the installer or other person holding the permit to install and the buyer or registered owner or their representative. The M–H unit installation acceptance shall be provided for MH-Units installed pursuant to section 18551(b) or 18613 of the Health and Safety Code. The certificate of occupancy shall be provided for MH-Unit installed on foundation systems pursuant to section 18551(a) of the Health and Safety Code.

(b) If the MH-Unit is moved or relocated, the statement of MH-Unit installation acceptance or certificate of occupancy, shall become invalid.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18551 and 18613, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1368. Requirements for Exit Doorways

At the time of the MH-Unit installation inspection, all exterior doorways of an MH-Unit shall be provided with a porch, ramp and/or stairway conforming with the provisions of article 9 of this chapter.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18552, Health and Safety Code. Reference: Sections 18552 and 18613, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 7.5. MH-Unit Earthquake–Resistant Bracing Systems (ERBS)

§ 1370. Application and Scope

(a) The provisions of this article relating to the certification of MH-Unit earthquake resistant bracing systems are applicable to all MH-Unit earthquake resistant bracing systems sold or offered for sale within the State of California.

(b) The provisions of this article relating to the installation or reinstallation of an earthquake resistant bracing system required to be certified pursuant to this article, shall apply to a system installed or reinstalled on or under an MH-Unit.

(c) The requirements of this article shall not apply to an MH-Unit installed on a foundation system pursuant to section 18551 of the Health and Safety Code.

(d) Nothing in this article shall be construed as requiring the installation of earthquake resistant bracing systems on or under an MH-Unit sited either before or after the effective date of this article.

AUTHORITY:
Note: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 17003.5, 18300 and 18613.5, Health and Safety Code.
HISTORY:
1. New article 7.5 (sections 1370–1376, not consecutive) filed 8–22–85; effective thirtieth day thereafter (Register 85, No. 36).
2. Amendment of subsection (a), new subsections (b) and (e), and relettering of former subsections (b) and (c) to subsections (c) and (d) filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
3. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Reinstatement of section as it existed prior to emergency amendment filed 3–12–90 by operation of Government Code section 11346.1(f) (Register 91, No. 2).
5. Amendment of section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
7. Amendment of article heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1370.2. Certification Required

(a) It shall be unlawful for any person, firm, or business to sell or offer for sale within this state, any earthquake resistant bracing system unless the system is certified by the department as meeting the requirements of this article.

(b) It shall be unlawful for any listing or testing agency to list as “approved” or authorize the use of its labels for any MH-Unit earthquake resistant bracing system until such system is certified by the department.

AUTHORITY:
Note: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 17003.5, 18300 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment of subsection (a), and repealer of subsections (c) and (d) filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Reinstatement of section as it existed prior to emergency amendment filed 3–12–90 by operation of Government Code section 11346.1(f) (Register 91, No. 2).
4. Amendment of section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
6. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1370.4. Enforcement and Penalties

(a) The department shall administer and enforce all the provisions of this article. However, the penalties provided by this article shall not prevent an aggrieved party from pursuing other remedies under any provision of law.

(b) In addition to the penalties provided for in section 18700 of the Health and Safety Code, violation of any of the provisions of this article, or the sale or offering for sale of a certified earthquake resistant bracing system which does not conform to the certified plan for that design or system model, shall be cause for cancellation of certification by the department.

AUTHORITY:
Note: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 17003.5, 18300, 18613.5 and 18700, Health and Safety Code.
HISTORY:
1. Amendment of subsection (b) filed 4–24–91; operative 4–24–91 (Register 91, No. 24).
2. Editorial correction of History 1 (Register 96, No. 37).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1370.6. Definitions

AUTHORITY:
Note: Authority cited: Section 18613.5, Health and Safety Code. Reference: Section 18613.5, Health and Safety Code.
HISTORY:
1. Amendment filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Reinstatement of section as it existed prior to emergency amendment filed 3–12–90 by operation of Government Code section 11346.1(f) (Register 91, No. 2).
4. Amendment of section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
6. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1371. Construction and Design Requirements

(a) ERBS shall be designed and constructed to resist seismic forces determined in accordance with the provisions of Section 2312, Chapter 23, Uniform Building Code, 1982 Edition.

(b) ERBS shall be designed to limit downward vertical movement of a mobilehome or manufactured home to a maximum of two (2) inches.

(c) The ERBS manufacturer shall assure that each system sold or offered for sale bears a permanently affixed label. The label shall have a useful life of at least ten (10) years. The label shall provide, in a legible manner, evidence of approval from a listing or testing agency and the ERBS manufacturer's model name or number.

(d) If the ERBS consists of more than one bracing device, each individual device shall be labeled as required in subsection (c). For purposes of this article, a device may consist of one or more parts which, when assembled, forms an individual brace within an ERBS.

AUTHORITY:
Note: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 17003.5, 18300 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment of subsection (c) and new subsection (d) filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Reinstatement of section as it existed prior to emergency amendment filed 3–12–90 by operation of Government Code section 11346.1(f) (Register 91, No. 2).
4. Amendment of subsection (c) and a new subsection (d) filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of HISTORY 4. (Register 91, No. 24).
6. Certificate of Compliance as to 11–26–91 order including amendment of subsections (c) and (d) transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
7. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1372. Certification Application

(a) The person, firm or business applying for certification for an ERBS, shall make application to the department on an Application for Certification of Manufactured Home or Mobilehome Earthquake Resistant Bracing System. This form is provided by the department.

(b) The person, firm or business shall also submit evidence that the system has been submitted to and approved by a department–approved listing or testing agency.

(c) Upon receipt of a complete application, the department shall review the application to assure that the proposed system will comply with the construction and design requirements set forth in section 1371 and the system has been approved by a department–approved testing or listing agency.

If the department finds that the above requirements have been met and the balance of any certification review fees due pursuant to section 1025 have been paid, the department shall certify the ERBS plans. An approved copy of the plans shall be returned to the manufacturer and a copy shall be retained at the place of manufacture.

AUTHORITY:
Note: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5 and 18613.5, Health and Safety

Code.
HISTORY:
1. Amendment of subsection (a), new subsection (b), renumbering of subsection (a)(3) to subsection (c) and old subsection (b) to subsection (d) filed 4–24–91; operative 4–24–91 (Register 91, No. 24).
2. Change without regulatory effect amending subsections (a) and (b) and form filed 2–5–92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).
3. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1372.2. Plan Requirements

(a) Plans submitted to the department for certification shall be on substantial paper or cloth, not less than eight and one–half (8 1/2) by eleven (11) inches or multiples thereof but not exceeding twenty–five and one–half (25 1/2) by thirty–six (36) inches.

(b) A plan shall include all pertinent items necessary for the design, construction, and installation of the system, such as details of connections, dimensions, footings, general notes and the method of installation.

(c) A plan shall depict only one design or model of ERBS.

(d) A plan shall include the ERBS manufacturer's installation instructions which, when approved, may be copied for the purposes specified in sections 1374.6 and 1374.7.

(e) Each page of the plan and each page of the ERBS manufacturer's installation instructions shall provide a blank space not less than three (3) inches by three (3) inches for the department's stamp of approval.

(f) Each page of the plan and each page of the ERBS manufacturer's installation instructions shall be identified by the ERBS manufacturer's name and the manufacturer's model name or number of the system to be certified.

(g) The cover sheet of the ERBS manufacturer's installation instructions shall show the total number of pages which constitute the instructions.

AUTHORITY:
Note: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 18300 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment of subsections (d), (e) and (f), and new subsection (g) filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Reinstatement of section as it existed prior to emergency amendment filed 3–12–90 by operation of Government Code section 11346.1(f) (Register 91, No. 2).
4. Amendment of subsections (d), (e) and (f) and new subsection (g) filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of HISTORY 4. (Register 91, No. 24).
6. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
7. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1372.4. Certification Application Review and Notice of Department Decision

(a) Within ten (10) working days of the receipt of an application and plans, the department shall provide the applicant with written notice whether the application is complete pursuant to section 1372 and acceptable for filing. If the application is not complete, the notice shall specify the information and/or documentation necessary to complete the application. If the application is not complete, the notice, the application and the accompanying documentation shall be returned to the applicant.

(b) Within sixty–seven (67) working days of the receipt of a complete and acceptable application, the department shall review the application and plans, and either issue a plan certification or provide the applicant with written notice of the department's refusal to issue a plan certification. The written notice of refusal shall specify the reason(s) why the plan certification is not being issued.

(c) An application for plan certification shall be considered complete and acceptable if it is in compliance with the provisions of section 1372 of this article.

(d) Should an applicant fail to submit a complete and acceptable application and plan within ninety (90) days of the notice of rejection, the application shall be deemed abandoned and all fees submitted pursuant to section 1025 shall be forfeited to the department. Should an applicant cancel the application for the plan certification prior to obtaining certification, all fees submitted shall be forfeited to the department.

(e) A survey conducted pursuant to Government Code section 15376 of the department's performance determined the minimum, median, and maximum elapsed time between receipt of a completed application for plan certification and reaching a final decision; the results are as follows:

(1) Minimum: 10 working days
(2) Median: 12 working days
(3) Maximum: 67 working days.

AUTHORITY:
Note: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment of subsections (a), (b), and (c), renumbering of old subsection (c) to subsection (d), and new subsections (c) and (e) filed 4–24–91; operative 4–24–91 (Register 91, No. 24).

2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1372.6. Calculations and Test Procedures

(a) The load–bearing capacity of elements or assemblies shall be established by calculations in accordance with generally established principles of engineering design. However, when the composition or configuration of elements, assemblies, or details of structural members is such that calculations of their safe load–carrying capacity and basic structural integrity cannot be accurately determined in accordance with generally established principles of engineering design, structural properties of such members or assemblies may be established by the results of tests acceptable to the department.

If a manufacturer chooses to substantiate a design or method of construction by tests, the manufacturer shall contact the department prior to performing the tests to obtain information on testing criteria. If a department representative is required to witness the tests, the manufacturer shall be so notified.

(b) When any structural design or method of construction is substantiated by calculations and supporting data, such calculations and supporting data shall be signed by an architect or engineer and shall be submitted to the department.

(c) When the design of an earthquake resistant bracing system is substantiated by calculation or tests, all structural plans shall be signed by an architect or engineer in charge of the total design.

(d) When any design or method of construction is substantiated by tests, all test procedures and results shall be reviewed, evaluated, and signed by an architect or engineer.

AUTHORITY:
Note: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 18300 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1373. Expiration

(a) Plans shall expire two (2) years from the date of department certification.

(b) Certification of a design, which has not been changed since the most recent plan certification, may be renewed by resubmission, in triplicate, with all information required by section 1372, and renewal fees as specified in section 1025 on or before the expiration date of the certification.

AUTHORITY:
Note: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1374. Revisions of Certification

(a) When an applicant proposes revisions of a certification which does not change the structural system or method of construction of the system, the applicant shall submit an application in triplicate, three copies of the revised plan and specifications, two copies of the revised design calculations, and a revision fee as specified in section 1025.

(b) Plans which have been returned to the applicant for correction shall be resubmitted together with a resubmission fee and certification review fee as specified in section 1025.

AUTHORITY:
Note: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 18300 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1374.2. Amended Regulations

If substantive amendments of the department's regulations require changes to a certification, the department shall notify the applicant of such changes and shall allow the applicant one hundred eighty (180) days from the date of such notification in which to submit a revision. The revision proposal submitted pursuant to this section shall be submitted with appropriate fees. A proposal submitted after the one hundred eighty (180) day period of time provided shall be processed as a new application with appropriate fees.

AUTHORITY:
Note: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 17003.5, 18300, 18502.5 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1374.4. Change of Ownership, Name or Address

When there is a change of ownership, name or address of an earthquake resistant bracing system manufacturing business having department certification, the manufacturer shall notify the department in writing within ten (10) days. The notification shall be accompanied by a change in ownership, name or address fee pursuant to section 1025 of this article.

AUTHORITY:
Note: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5 and 18613.5, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1374.5. Permit Required

(a) A permit shall be obtained from the enforcement agency prior to installation or reinstallation of a certified earthquake resistant bracing system on or under an MH-Unit.

(b) When an earthquake resistant bracing system is installed at the time of the MH-Unit installation, separate permits shall be required for the installation of the MH-Unit and the earthquake resistant bracing system.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613.7, and Health and Safety Code. Reference: Sections 18502.5 and 18613.7, Health and Safety Code.
HISTORY:
1. New section filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 2).
4. New section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
6. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1374.6. Permit Application

The person, firm, or business required to obtain a permit to install or reinstall an earthquake resistant bracing system on or under an MH-Unit shall apply to the enforcement agency. Where the department is the enforcement agency, the application shall be made on form HCD 50 ERBS.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613.7, Health and Safety Code. Reference: Sections 18613, 18613.5 and 18613.7, Health and Safety Code.
HISTORY:
1. New section filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 2).
4. New section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
6. Change without regulatory effect amending subsections (a) and (b) and form filed 2–5–92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).
7. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1374.7. Installation Requirements

(a) An MH-Unit earthquake resistant bracing system may only be installed by:

(1) The MH-Unit registered owner; or

(2) A contractor as defined in Business and Professions Code section 7026. The contractor shall be licensed by the Contractors State License Board, and provide proof of a current license, and current Workers' Compensation Insurance coverage or certify to exemption from Workers' Compensation Insurance.

(b) The permit shall be in the possession of the installer and available to the enforcement agency during the installation of an earthquake resistant bracing system.

(c) Installations of earthquake resistant bracing systems shall comply with the ERBS manufacturer's installation instructions certified by the department. Certified systems shall not be modified without recertification by the department.

(d) The installer shall provide a copy of the ERBS manufacturer's installation instructions to the registered owner of the MH-Unit when the installation is completed. The copy of the ERBS manufacturer's installation instructions must have been made from the original bearing the department's stamp of approval.

(e) The installer shall obtain the mobilehome park operator's written approval prior to excavating for support or hold down footings and endangering underground utilities. Park operator approval is not required for installations that are entirely above ground or where excavation is not required.

(f) Where the space beneath an MH-Unit is enclosed, access to the underfloor area shall be in accordance with section 1346(a).

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613.7, Health and Safety Code. Reference: Sections 18300 and 18613.7, Health and Safety Code, and

Section 3800, Labor Code.
HISTORY:
1. New section filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 2).
4. New section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11–26–90 order including amendment of subsections (e) and (f) transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
6. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1375. Inspections

(a) The department may conduct inspections to determine compliance with the approved certification.

(b) The enforcement agency shall conduct an inspection of each certified earthquake resistant bracing system, installed or reinstalled on or under an MH-Unit.

(c) Should inspection by an enforcement agency other than the department reveal that a manufacturer is manufacturing systems which do not conform to the department's certification, the enforcement agency shall, within ten (10) days of the inspection, notify the department in writing. The written notification shall include:

(1) The ERBS manufacturer's name.

(2) The model name and/or identifying number.

(3) The MH-Unit's registered owner's name and address where the system was installed.

(4) A brief description of the facts constituting the earthquake resistant bracing system's noncompliance with the department's certification.

(d) Upon receiving a correction notice of noncompliance with department certification from a local enforcement agency, or upon obtaining such information by inspection, the department shall provide written notification of noncompliance requiring correction within thirty (30) days, or at a later date as determined by the department, to the manufacturer. The department shall also send an informational copy of the ERBS manufacturer's notification of noncompliance to the listing or testing agency that investigated and listed the system. The ERBS manufacturer shall apply for reinspection in accordance with section 1375.2.

(e) Where the ERBS manufacturer, after having been notified of the violation, fails to comply with the order to correct, or continues to manufacture systems in violation of the certification, the department's certification shall be revoked.

(f) If, as a finding of inspection, the installation of an earthquake resistant bracing system is found to be in violation of the ERBS manufacturer's installation instructions and/or plan, the enforcement agency shall provide the installer with a written correction notice of the violation requiring correction within thirty (30) days or at a later date as determined by the enforcement agency. The written notice shall also require the installer to make application to the enforcement agency for reinspection upon correction of the violations. The installer shall apply for reinspection in accordance with section 1375.2.

AUTHORITY:
Note: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 18300, 18613.5 and 18613.7, Health and Safety Code.
HISTORY:
1. Amendment filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Reinstatement of section as it existed prior to emergency amendment filed 3–12–90 by operation of Government Code section 11346.1(f) (Register 91, No. 2).
4. Amendment of subsection (b), renumbering of old subsection (b) to subsection (c), and new subsections (b) and (d) filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of HISTORY4. (Register 91, No. 24).
6. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
7. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1375.2. Required Correction and Reinspection

(a) Any ERBS manufacturer issued a notice of violation pursuant to section 1375, shall take appropriate action to eliminate the violations and conform to the department's certification within thirty (30) days or at a later date as set forth in the notice of violation. Upon correction of the violations, the ERBS–manufacturer shall apply to the department for reinspection. The application shall be accompanied by the reinspection fee specified in section 1025.

(b) Any person, firm or business having installed an earthquake resistant bracing system certified by the department, who is issued a notice of violation pursuant to section 1375, shall take appropriate action to eliminate the violations and conform to the ERBS manufacturer's installation instructions within thirty (30) days or at a later date as set forth in the notice of violation. Upon correction of the violations, the installer shall apply to the enforcement agency for reinspection.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18613.7, Health and Safety Code. Reference: Sections 18300 and 18613.7, Health and Safety Code.
HISTORY:
1. New section filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 2).
4. New section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11–26–90 order transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
6. Change without regulatory effect amending subsections (a) and (b) and adopting new form filed 2–5–92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).
7. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1376. Fees

AUTHORITY:
Note: Authority cited: Sections 18502.5, 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 18300, 18502.5, 18613.5 and 18613.7, Health and Safety Code.
HISTORY:
1. Amendment of subsections (f) and (g), and new subsection (h) filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Reinstatement of section as it existed prior to emergency amendment filed 3–12–90 by operation of Government Code section 11346.1(f).
4. Amendment of subsections (f) and (g), and new subsection (h) filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of HISTORIES 3. and 4. (Register 91, No. 24).
6. Certificate of Compliance as to 11–26–90 order including amendment of subsections (b), (c), (d) and (e) transmitted to OAL 3–25–91; filed 4–24–91 (Register 91, No. 24).
7. Renumbering of former section 1376 to new section 1025 filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1377. Permit Application Review and Notice of Department Decision

(a) Within one (1) working day of the receipt of an application to install an earthquake resistant bracing system, the department shall provide the applicant with written notice whether the application is complete pursuant to section 1374.6 and acceptable for filing. If the application is not complete, the notice shall specify the information and/or documentation necessary to complete the application. If the application is not complete, the notice, the application and the accompanying documentation shall be returned to the applicant.

(b) Within seventeen (17) working days of the receipt of a complete and acceptable application, the department shall issue a permit or shall provide the applicant with written notice of the department's refusal to issue a permit. The written notice of refusal shall specify the reasons why the permit may not be issued.

(c) An application for a permit to install an earthquake resistant bracing system shall be considered complete and acceptable if it is in compliance with the provisions of section 1374.6 of this article.

(d) Should the applicant fail to submit a complete and acceptable application within ninety (90) days of the notice of rejection, the application shall be deemed abandoned and all fees submitted pursuant to section 1025 shall be forfeited to the department. Should an applicant cancel the application for the permit to install a manufactured home or mobilehome earthquake resistant bracing system, all fees submitted shall be forfeited to the department.

(e) The estimated minimum, median, and maximum elapsed time between receipt of a completed application for a permit to install an earthquake resistant bracing system and reaching a final decision are as follows:
(1) Minimum–one (1) working day
(2) Median–two (2) working days
(3) Maximum–seventeen (17) working days

(f)(1) The applicant may request and shall be granted a hearing for a timely resolution of any dispute arising from a violation of the time periods within which the department must process this application as set forth in Section 1757. Such request may be made to the Secretary of the Business, Transportation, and Housing Agency and or the director of the department or his or her duly authorized representative. The request shall be a written petition requesting a hearing which sets forth a brief statement of the grounds therefor as set forth in Section 1756.

(2) The petition shall be decided in the applicant's favor, if the department has exceeded the established maximum time period of issuance or denial of the permit and the department has failed to establish good cause for exceeding the time period.

(3) If the petition is decided in the applicant's favor, the applicant shall receive full reimbursement of any and all filing fees paid to the department.

AUTHORITY:
Note: Authority cited: Sections 18502.5 and 18613.7, Health and Safety Code, and Section 15376, Government Code. Reference: Sections 18300, 18502.5 and 18613.7, Health and Safety Code, and Section 15376, Government Code.

HISTORY:
1. New section filed 3–12–90 as an emergency; operative 3–12–90 (Register 90, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–10–90.
2. Readoption of emergency language filed 7–9–90; operative 7–10–90 (Register 90, No. 35). A Certificate of Compliance must be transmitted to OAL by 11–7–90 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7–9–90 order transmitted to OAL on 10–17–90; disapproved by OAL on 11–16–90. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 2).
4. New section filed 11–26–90 as an emergency; operative 11–26–90 (Register 91, No. 2). A Certificate of Compliance must be transmitted to OAL by 3–26–91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11–26–90 order including amendment of subsections (a), (b), (e) and (f) transmitted to OAL 3–25–91 and filed 4–24–91 (Register 91, No. 24).
6. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
7. Amendment of subsection (f)(1), repealer of subsections (f)(2)–(4) and subsection renumbering filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

Article 8. Permanent Buildings and Commercial Modulars

§ 1382. Application and Scope

(a) The requirements of this article shall apply to the construction, alteration, repair, use, maintenance, and occupancy of permanent buildings and commercial modulars in parks. The provisions of this article relating to permanent buildings and commercial modulars in parks do not apply to accessory buildings or structures or building components established for use of an occupant of a unit. The department shall administer and enforce all of the provisions of this article relating to permanent buildings and commercial modulars in parks except in a city, county, or city and county, which has assumed responsibility for enforcement of Division 13, Part 2.1 of the Health and Safety Code and this chapter.

(b) Existing construction, connections, and installations of plumbing, electrical, fuel gas, fire protection, within permanent buildings or commercial modulars in parks, made before the effective date of the requirements of this chapter, may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18300, 18620, 18630, 18670 and 18690, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1384. Local Regulations

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18300, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1386. Standard Plan Approval, Permanent Buildings

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18300, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1388. Construction of Permanent Buildings

(a) Design and construction requirements for permanent buildings in parks are contained in the California Building Code.

(b) The requirements for electrical wiring, fixtures, and equipment installed in permanent buildings in parks are contained in the California Electrical Code.

(c) The requirements for fuel gas equipment and installations installed in permanent buildings in parks are contained in the California Mechanical Code.

(d) The requirements for plumbing in permanent buildings in parks are contained in the California Plumbing Code.

(e) The requirements for fire protection equipment and installations in all permanent buildings are contained in the applicable requirements of the California Building Code.

(f) The energy conservation requirements for all permanent buildings which contain conditioned space are contained in the energy conservation standards for new non–residential buildings contained in the California Energy Code.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18620, 18630, 18670, 18690 and 18691, Health and Safety Code.
HISTORY:
1. Amendment filed 5–26–87; operative 6–25–87 (Register 87, No. 23).
2. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1390. Electrical Regulations

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 5–26–87; operative 6–25–87 (Register 87, No. 23).
2. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1392. Mechanical and Fuel Gas Equipment and Installations

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.
HISTORY:
1. Amendment filed 5–26–87; operative 6–25–87 (Register 87, No. 23).
2. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1394. Plumbing Regulations

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18620 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 5–26–87; operative 6–25–87 (Register 87, No. 23).
2. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1396. Fire Protection Equipment

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18620, 18691, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1398. Energy Conservation Standards

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18620, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1399. Commercial Modular Requirements

(a) The applicant for a permit to install a commercial modular in a park in lieu of a permanent building shall submit a request for an alternate approval to the department in accordance with section 1016. The request for alternate approval shall be accompanied by evidence of compliance with section 1032 of this chapter.

(b) A commercial modular installed in a park shall bear an insignia of approval issued by the department in accordance with Health and Safety Code section 18026.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18620 and 18305, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1400 to new section 1399, including amendment of section heading and section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1400. Commercial Coach Use

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18620, 18305, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1400 to new section 1399 filed 7-6-2004; operative 7-6-04 pursuant to section 11343.4 (Register 2004, No. 28).

Article 9. Accessory Buildings and Structures

§ 1422. Application and Scope

(a) Except as otherwise noted, the requirements of this article shall apply to the construction, use, maintenance, and occupancy of accessory buildings or structures and building components constructed or installed adjacent to units both within and outside of parks.

(b) Accessory buildings or structures or building components that are constructed and maintained in accordance with those statutes and regulations which were in effect on the date of original construction, are not subject to the requirements of subsequent regulations. An accessory building or structure or building component that is moved to a different location shall be subject to the permit to construct fee requirements of this chapter. Any alterations or additions must comply with the current provisions of this chapter.

(c) The provisions of this chapter are not intended to prevent the owner of an accessory building or structure, or building component from reinstalling an accessory building or structure or building component when it is relocated.

Structural plans and installation instructions, other than details of footings and foundations, are not required for reinstallation of an accessory building or structure, or building component which complied with the requirements of the regulations in effect at the time of original installation, provided the accessory building or structure, or building component:

(1) is structurally sound;

(2) does not present a hazard to the safety of the occupants and/or the public;

(3) meets the live load design requirements contained in article 9 of this chapter; and

(4) complies with the installation requirements contained in this chapter, except for the structural plans and installation instructions.

(d) No accessory structure may be attached to or be supported by an MH-unit if the manufacturer's installation instructions prohibit attachment or transmission of loads to the unit or require freestanding structures.

(e) When the manufacturer's installation instructions are not available, accessory structures with a roof live load greater than ten (10) psf shall be freestanding. An existing awning or carport, exceeding ten (10) psf that was previously supported by the unit, may be reinstalled at the time of MH-unit installation.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18254 and 18552, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b), new subsections (c)-(c)(4) and subsection relettering filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1424. Regulated Structures

(a) Accessory buildings or structures or building components which do not comply with this article or are deemed to be unsafe by the enforcement agency shall not be allowed, constructed, or occupied.

(b) A permit shall be obtained from the enforcement agency to construct or install an accessory building or structure as required by Article 1 of this chapter, unless specifically exempted in section 1018 of this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500 and 18552, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1426. Accessory Buildings or Structures and Building Components Installed in Fire Hazard Severity Zones

(a) Accessory buildings or structures or building components constructed or installed in parks in a State Responsibility Area Fire Hazard Severity Zone or a local Very-High Fire Hazard Severity Zone, as indicated on the California Department of Forestry and Fire Protection's Fire Hazard Severity Zone Maps, shall comply with Title 24, Part 2.5, Chapter 3, section R327 of the California Residential Code (CRC) which is hereby incorporated by reference with the exception of the following provisions: Sections R327.1.5, R327.2 (Fire Protection Plan) and R327.3.6.

(b) Accessory buildings or structures or building components constructed or installed outside of parks in a State Responsibility Area Fire Hazard Severity Zone, a local Very-High Fire Hazard Severity Zone, or a local Wildland-Urban Interface Fire Area shall comply with the provisions of the CRC, Title 24, Part 2.5, Chapter 3, section R327.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691, Health and Safety Code.
HISTORY:
1. New section filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4). For prior history, see Register 2004, No. 28.
2. Amendment filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1428. Location

(a) In parks, accessory buildings or structures, or any part thereof, on a lot shall maintain the following setbacks from lot lines:

(1) When constructed of noncombustible materials:

(A) may be up to the lot line, provided a minimum three (3)–foot clearance is maintained from any other unit, accessory building or structure, or building component on adjacent lots.

(2) When constructed of combustible materials:

(A) a minimum three (3)–foot clearance from all lot lines, and

(B) a minimum six (6)–foot clearance from any other unit, accessory buildings or structures, or building components on adjacent lots constructed of combustible materials.

(b) Cabanas shall meet the location requirements for units, as referenced in section 1330 of this chapter.

(c) Location requirements governing private garages and storage buildings are contained in section 1443.

(d) Stairways with landings less than twelve (12) square feet may be installed to the lot line provided they are located a minimum of three (3) feet from any unit, or accessory building or structure, including another stairway, on an adjacent lot. However, if the stairway is an up-and-over design (steps up the front and down the back) that provides

access to the lot beyond the stairway, it does not need to maintain the separation from a unit or accessory building or structure, including another stairway, on an adjacent lot.

(e) Fencing of any material, that meets the requirements of section 1514 of this article, may be installed up to a lot line.

(f) No portion of an accessory building or structure, or building component shall project over or beyond a lot line.

(g) Any accessory building or structure, or building component may be installed up to a lot line bordering a roadway or common area provided there is no combustible building or structure in the common area within six (6) feet and no building or structure of any kind within three (3) feet of any portion of the accessory building or structure, or building component. The maximum seventy-five percent (75%) lot coverage allowed by section 1110 of this chapter shall be maintained.

(h) Wood awning or carport support posts four (4) inches or greater in nominal thickness may be located up to a lot line provided the remainder of the awning or carport is composed of noncombustible material.

AUTHORITY:
Note: Authority cited: Section 18300 and 18610, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (d) and new subsection (h) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of subsections (d) and (g) and amendment of Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1429. Required Exits

(a) An enclosed accessory building or structure or building component may be constructed or installed to enclose an emergency exit window from a sleeping room within a unit provided the enclosed area adjacent to the emergency exit window has a door not less than twenty–eight (28) inches in width and seventy–four (74) inches in height providing direct access to the outside. The exit doorway from the enclosed accessory building or structure, or building component shall comply with the exit illumination requirements contained in the California Residential Code and lighting outlet requirements contained in the California Electrical code.

(b) An accessory building or structure which encloses a required exit doorway from an MH-unit shall have an exit path and exit that does not violate the exit facilities requirements for manufactured homes, as contained in the Manufactured Home Construction and Safety Standards, 24CFR, Part 3280.105.

(c) An awning enclosure that encloses a required exit shall not be divided with interior walls or barriers unless the divided areas contain additional exit doors serving the divided areas that comply with subsection (a).

AUTHORITY:
Note: Authority cited: Sections 18029 and 18300, Health and Safety Code. Reference: Sections 18029, 18552 and 18610, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section and Note filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
5. Amendment of subsection (a) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1430. Occupied Area

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1432. Construction

(a) Construction and installation of accessory buildings or structures or building components shall comply with the structural requirements of the California Residential Code, except as otherwise provided by this article. The enforcement agency may require accessory buildings and structures or building components be designed and constructed to withstand live loads, vertical uplift or horizontal forces from any direction in excess of the minimum loads specified in this chapter, based on local geologic, topographic, or climatic conditions, when approved by the department.

(b) Accessory buildings and structures constructed of aluminum or aluminum alloy shall be designed to conform to the specifications contained in the California Residential Code.

(c) Unless data to substantiate the use of higher values is submitted to the enforcement agency, the allowable loading of accessory buildings or structures or building components on the soil shall not exceed one thousand five-hundred (1,500) psf vertical soil bearing pressure, one hundred fifty (150) psf of depth lateral soil bearing pressure, and one hundred sixty–seven (167) psf frictional resistance for uncased cast–in–place concrete piles.

AUTHORITY:
Note: Authority cited: Section 18300, Health as Safety Code. Reference: Sections 18552 and 18620, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

2. Amendment of subsections (a) and (b) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Amendment filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1433. Roof Live Load

(a) Except as provided in section 1443.1 of this article, every cabana installed on or after July 31, 1976 or every accessory building or structure or building component installed on or after June 10, 1979 shall have the capacity to resist the applicable minimum snow load of the region in which it is installed or as is provided by this section.

TABLE 1433–1
General Roof Live Load Requirements for Accessory Buildings or Structures and Building Components

Region I		Region II		Region III	
Elevation	Roof Live Load	Elevation	Roof Live Load	Elevation	Roof Live Load
All Elevations	20 psf	0–3000 ft	20 psf	0–2000 ft	20 psf
		3001–3500 ft	30 psf	2001–3000 ft	30 psf
		3501–5000 ft	60 psf	3001–4000 ft	60 psf

Table 1433–1 shall apply except where either greater or lesser snow loads have been established through survey of the region, and approved by the department.

(1) Region I includes the following counties:

Alameda, Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Imperial, Kings, Lake, Los Angeles, Marin, Mendocino, Merced, Monterey, Napa, Orange, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Ventura, Yolo.

(2) Region II includes the following counties:

Amador, Fresno, Inyo, Kern, Modoc, Riverside, San Bernardino, Siskiyou.

(3) Region III includes the following counties:

Alpine, Calaveras, El Dorado, Lassen, Madera, Mariposa, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Tehama, Trinity, Tulare, Tuolumne, Yuba.

(b) Parks that have received approval for a snow roof load maintenance program prior to July 7, 2004, shall maintain the snow roof load maintenance program, as long as accessory buildings or structures, or building components in the park do not meet the minimum roof loads for the area. Accessory buildings or structures or building components installed after July 7, 2004, must have the capacity to resist the applicable minimum roof live loads of the region in which it is installed, as set forth in Table 1433–1.

(c) The park owner or operator shall be responsible for the continued management of an existing snow roof load maintenance program approved for the park.

(d) Roof live load requirements shall not apply to storage cabinets.

(e) Accessory buildings or structures or building components may be relocated from one park to another and reinstalled under permit within another park provided the requirements for roof live load in the new park are not greater than the requirements of the park in which the accessory building or structure or building component was previously installed.

AUTHORITY:
Note: Authority cited: Section 18300 and 18610, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a), Table 1433-1, subsection (b) and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 1433.1. Accessory Building or Structure Roof Live Loads in Parks Located Above 4,000 Feet in Elevation

(a) Notwithstanding the provisions of Section 1433, if an accessory building or structure that is proposed to be installed within a mobilehome park located above 4,000 feet in elevation does not have the capacity to resist the minimum snow loads as established for residential buildings by local ordinance, the accessory building or structure may only be installed in a mobilehome park if all of the following conditions apply:

(1) The park has and is operating a snow roof load maintenance program approved by the enforcement agency;

(2) the accessory building or structure has the capacity to resist a roof live load of sixty (60) pounds per square foot (psf)or greater;

(3) the installation complies with all other applicable requirements of this chapter;

(4) the installation is approved by the enforcement agency; and

(5) the enforcement agency's approval of the snow roof load maintenance program is shown on the mobilehome park's permit to operate.

NOTE: An accessory structure located beneath another accessory structure (e.g., a porch which is located beneath an awning) is excluded from the snow load requirements of this section when the overlying accessory structure meets the requirements of this section.

(b) The operator of a mobilehome park located above 4,000 feet in elevation may request and obtain approval from the enforcement agency for a snow roof load maintenance program. The request for an approval shall include, but not be limited to, the following information:

(1) The type of maintenance to be used to control snow accumulation;

(2) the capacity and capability of personnel and equipment proposed to satisfactorily perform the snow roof load maintenance program; and

(3) an application for an amended permit to operate in accordance with section 1014 of this chapter.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18610, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. New section filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52). For prior history, see Register 2005, No. 49.
1. Change without regulatory effect adopting new section filed 2–2–2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 5).
2. Change without regulatory effect repealing section filed 12–7–2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No.49).

§ 1434. Calculations and Test Procedures

(a) The load bearing capacity of elements or assemblies shall be established by calculations in accordance with generally established principles of engineering design. However, when the composition or configuration of elements, assemblies or details of structural members are such that calculations of their safe load–carrying capacity and basic structural integrity cannot be accurately determined in accordance with generally established principles of engineering design, structural properties of such elements or assemblies may be established by the results of tests that are designed and certified by an architect or engineer, with the test results approved by the department.

(b) When any structural design or method of construction is substantiated by calculations and supporting data, the calculations and supporting data shall be approved by an architect or engineer and shall be submitted to the department.

(c) When the design of accessory structures is substantiated by calculations or tests, all structural plans shall be approved by the architect or engineer in charge of the total design.

(d) When any design or method of construction is substantiated by tests, all of these tests shall be performed by an approved testing agency acceptable to the department or shall be directed, witnessed, and evaluated by an independent architect or engineer. All test procedures and results shall be reviewed, evaluated, and signed by an architect or engineer. The approved testing agency, architect, or engineer shall submit the evaluation of test results, calculations, and recommendations, to the department. The department may require that a representative of the department witness the test.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1436. Electrical Installations

(a) Electrical equipment and installations within an accessory building or structure or building component and the circuit supplying power shall be installed by a permanent wiring method and shall comply with the requirements for electrical installations of this chapter.

(b) Flexible cord shall not be used to supply an accessory building or structure or building component, or as a substitute for the fixed wiring of an accessory building or structure or building component.

(c) Unless otherwise specified by this article, electrical service provided to an accessory building or structure or building component may be supplied by either of the following:

(1) from the lot service equipment, provided:

(A) a permit is obtained to alter the lot electrical service by installing a separate overcurrent protective device rated not more than the total calculated electrical load, and

(B) the lot service equipment is capable of supplying the additional load, and

(C) the overcurrent protective device and its installation complies with the California Electrical Code.

(2) from an MH-Unit provided:

(A) the MH-Unit is capable of supplying the additional load, and

(B) a permit to alter the MH-Unit's electrical system, substantiated with load calculations, is obtained from the department pursuant to the California Code of Regulations, Title 25, Division 1, Chapter 3.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18029, 18552 and 18670, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1438. Mechanical Installations

(a) Requirements for heating, ventilating, comfort cooling systems, and fireplaces constructed or installed in, or in conjunction with, accessory buildings or structures or building components are contained in the California Mechanical Code.

(b) No cooking or heating equipment shall be installed in an awning enclosure.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18630 and 18690, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. New subsection (a) designator and new subsection (b) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1440. Plumbing

(a) The requirements for fuel gas piping, plumbing systems, and equipment installed in accessory buildings or structures or building components are contained in the California Plumbing Code, except as otherwise specified in this article.

(b) A unit directly connected to the water distribution system of a park shall be connected with piping and fittings listed and approved for that purpose. Flexible hose shall not be used as a substitute for water piping or connections.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18554 and 18630, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1442. Foam Building System Flammability Standards

The requirements of Title 25, California Code of Regulations, Chapter 1, Subchapter 1, Article 4, section 24 shall apply to the use of any foam plastic or foam plastic building system used in the construction of accessory buildings or structures.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18691, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1443. Private Garages and Storage Buildings

(a) A private garage or storage building may be located immediately adjacent to a unit if the garage or storage building wall adjacent to the unit is constructed of materials approved for one (1) hour fire–resistant construction. If there are openings which are not one (1) hour fire–rated in the unit wall adjacent to the garage or storage building wall, a minimum of three (3) feet of separation shall be maintained. A minimum of six (6) feet of separation shall be maintained between the unit and a private garage or storage building which does not meet the requirements for one (1) hour fire–resistant construction.

(b) A three (3) foot separation shall be maintained from a private garage or storage building and any lot line which does not border on a roadway.

(c) Garages shall be designed and constructed as freestanding structures. They shall not be attached to or supported by an MH-Unit; however, to provide a weather seal, flashing or sealing materials may be affixed between the garage and the MH-Unit.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) and new subsection (c) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 1444. Cabana Permitted

A cabana may be constructed, occupied, and maintained on a lot only as an accessory structure to a unit located on the same lot. A cabana shall not be erected, constructed, occupied or maintained on a lot as an accessory structure to a motor home, tent trailer, or slide–in or truck–mounted camper.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1446. Cabana—Design and Construction

A cabana shall be designed and constructed as a freestanding structure. A cabana shall not be attached to a unit. However to provide a weather seal, flashing or sealing materials may be affixed between the cabana and the unit. The

design and construction of cabanas shall follow the requirements contained in the California Residential Code, except as otherwise provided in this article.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1448. Cabana—Dimensions

(a) A cabana shall have a minimum ceiling height of seven feet from the finished floor to the finished ceiling, or, if there is no finished ceiling, to the bottom of the roof supports, except:

(1) a cabana must maintain a minimum ceiling height equal to the ceiling height of the unit for at least fifty (50) percent of the cabana;

(2) if the ceiling or roof is sloped, the minimum ceiling height is required for not less than one–half (1/2) of the sloping ceiling area. No portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum area required by this section.

(b) Cabana habitable room dimension requirements:

(1) A habitable room created by the construction of a cabana shall not be less than seven (7) feet in any horizontal dimension, and

(2) shall have a superficial floor area of not less than seventy (70) square feet, excluding a private toilet and bath compartment or storage area.

(3) For purposes of this subsection, horizontal dimension requirements for rooms created by the construction of a cabana may include existing space within the unit.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18630, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1450. Cabana–Support System

(a) Cabanas may be installed using a support system in lieu of continuous footings. Girders shall be designed and constructed to evenly distribute the loads carried to the footings.

(b) Support systems shall comply with the applicable requirements of section 1334.

(c) When a support system is used in lieu of a foundation system, the cabana shall comply with the tiedown requirements for manufactured homes as specified in sections 1336.1 through 1336.3.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Editorial correction of section heading (Register 2005, No. 33).
3. New subsection (c) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1452. Cabana—Floors

Where a concrete floor on grade is used, it shall have a thickness of not less than three–and–one–half (3 1/2) inches. The surface of a concrete floor shall not be less than two and one–half (2 1/2) inches above the adjacent grade. Wood sills shall not be less than six (6) inches from adjacent earth. A wood floor may be laid directly on a waterproofed concrete slab.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1454. Cabana—Weather Protection

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1456. Cabana—Exits

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1458. Cabana—Light and Ventilation

(a) Each habitable room shall have an aggregate glazed window area of not less than eight (8) percent of the gross floor area for natural lighting with a minimum of fifty (50) percent of that glazed area able to be opened for ventilation. When the cabana encloses windows of the manufactured home or mobilehome, park trailer, or travel trailer required for light and ventilation, the window area of the cabana shall be not less than the total area of windows enclosed by the cabana.

(b) A bathroom, toilet room, or service room shall have an aggregate window area of not less than three (3) square feet, except where an approved mechanical ventilation system is provided. When a service or storage room does not enclose or obstruct a window of the manufactured home or mobilehome, park trailer, or travel trailer, no additional window area is required.

(c) Where ventilation of a room is by natural means, openings such as windows, skylights, grilles or gravity vents shall have a minimum net free cross–sectional area opening to the outer air equal to five (5) percent of; gross floor area.

(d) Required windows of a cabana shall open to an open space, either directly or through a porch or awning having a minimum clear height of not less than six (6) feet two (2) inches. Such porch or awning shall be at least fifty (50) percent open on the side opposite the windows.

(e) For bathrooms, toilet rooms or service rooms, where the net free cross–sectional area of available natural ventilation is less than five (5) percent of the gross floor area, an approved system of mechanical ventilation and artificial light may be used in lieu of required natural light and ventilation.

(f) Where mechanical ventilation is installed, it shall be capable of producing two (2) air changes per hour with not less than one–fifth (1/5) of the air supply taken from outside the cabana, except that in bathrooms, toilet rooms or service rooms, the mechanical ventilation system, connected directly to the outside, shall be capable of providing five (5) air changes per hour.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1460. Cabana—Electrical Installations

(a) The requirements for electrical installations in cabanas shall comply with the California Electrical Code.

(b) Each cabana shall be provided with not less than one (1) branch circuit complying with section 1436 of this chapter.

(c) When electrical heating equipment or other fixed appliances are installed in a cabana, the cabana shall be provided with not less than two branch circuits.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18670, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1462. Cabana—Cooking and Fuel Burning Equipment

(a) Cooking appliances or facilities shall not be installed or used in a cabana.

(b) When a fuel burning water heater is enclosed in a cabana, the water heater shall comply with the requirements for installation in bedrooms and bathrooms contained in Chapter 5 of Title 24, Part 5, the California Plumbing Code and the requirements for seismic bracing.

(c) When a fuel burning furnace is enclosed in a cabana, the furnace shall comply with the requirement for the installation in bedrooms and bathrooms contained in Chapter 9 of Title 24, Part 4, the California Mechanical Code.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section heading, new subsection (a) designator and new subsections (b) and (c) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1464. Cabana—Energy Standards

The energy requirements for cabanas shall comply with the following:

(a) Cabanas with a total floor area less than 250 square feet shall be provided with the following minimum thermal resistance (R) rated insulation.

(1) Roof/ceiling — R19.

(2) Walls and raised floors — R13.

(3) All window areas must be dualglazed.

(b) For cabanas with a total floor area of 250 to 500 square feet, the applicable minimum requirements in the "Mandatory Measures Checklist: Residential, MF–1R" dated August 2001, which is incorporated by reference as set

forth in the “Residential Manual for Compliance with California’s 2001 Energy Efficiency Standards”, to the extent applicable to construction materials, appliances or fixtures within the cabana.

Exception: “Cool Roof” material shall not be required for cabana construction.

(c) For cabanas with a total floor area of more than 500 square feet, the minimum requirements in the California Energy Code as applicable to residential dwellings for the zone in which the cabana will be located, to the extent applicable to construction materials, appliances, or fixtures within the cabana.

Exception: “Cool Roof” material shall not be required for cabana construction.

(d) The enforcement agency may develop and use or provide as informational guidelines energy standard charts implementing or specifying the California Energy Code requirements which are otherwise used for construction within the jurisdiction of the enforcement agency.

(e) Plans for cabana construction must indicate the method for providing active or passive spaceheating capable of providing an average indoor temperature of sixtyeight (68) degrees.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1466. Awning—Permitted

An awning may be erected, constructed, or maintained only as an accessory structure to a unit located on the same lot.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1468. Awning—Design and Construction

(a) An awning and its structural parts, except cloth, canvas, or similar flexible materials, shall be designed, constructed, and erected to adequately support all dead loads plus a minimum vertical live load of ten (10) psf except that snow loads shall be used where snow loads exceed this minimum. Requirements for the design of awnings necessary to resist minimum horizontal wind pressure are contained in the California Residential Code.

(b) The following awnings shall be completely freestanding;

(1) awnings with a roof structure dead load weight of more than six (6) psf;

(2) awnings exceeding twelve (12) feet in width (projection) as measured from the wall of the MH-unit to the outer edge of the awning roof; and

(3) awnings required to be designed and constructed for live loads in excess of ten (10) psf.

(c) Flashing or sealing materials may be used to provide a weather seal between a freestanding awning and a unit. No separation is required between a freestanding awning and an attached awning located on the same lot.

(d) Notwithstanding the provisions of subsection (b), an awning installed in an area with a roof live load not to exceed 20 psf with a dead load not to exceed six and one–half (6 1/2) psf may be attached to an MH-unit provided all of the following apply:

(1) the MH-unit was manufactured after September 15, 1971, and bears a department insignia of approval or a HUD label of approval; and

(2) it is provided with continuous perimeter support under the rim joist below the wall for the entire length of the awning or as a perimeter support system designed in accordance with the California Residential Code and

(3) it is secured to the sidewall, excluding eaves and overhangs.

(e) Awnings with a roof structure dead load weight of one (1) psf or less, do not require perimeter supports on the MH-unit wall at the point of attachment unless the MH-unit installation instructions require perimeter wall supports because of the additional load.

(f) All awnings on lots occupied by recreational vehicles shall be freestanding and shall not transmit any loads to the recreational vehicle except for cloth or canvas or similar flexible material.

(g) Combustible material used in awnings shall not be installed within three (3) feet of the lot line pursuant to section 1428 of this chapter. However, wooden support posts, installed in accordance with section 1428(h), may be located up to a lot line.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (d), (d)(2) and (h) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Repealer of subsection (g) and subsection relettering filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4

(Register 2009, No. 4).
5. Amendment of subsections (a) and (d)(2) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1470. Awning—Dimensions

(a) A freestanding awning is not limited as to width or length, except that the total occupied area of a lot, including all accessory building or structures, shall not exceed seventy–five (75) percent of the lot area in accordance with section 1110 of this chapter.

(b) A window awning shall not project more than forty–two (42) inches from the exterior wall of the unit. Window and door awnings shall not extend more than six (6) inches horizontally beyond either side of a window or door and shall meet the location requirements of section 1428.

(c) The minimum clear height of any awning shall not be less than six (6) feet two (2) inches.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1472. Awning—Foundations

Concrete slabs less than three and one–half (3 1/2) inches thick may be considered to have an allowable load bearing capacity of three–hundred–fifty (350) pounds per column. The enforcement agency may accept a loading not to exceed five–hundred (500) pounds per column, provided the slab is not less than three and one–half (3 1/2) inches thick and in good condition. The weight of individual poured concrete footings shall be one and one–half (1 1/2) times the calculated uplift force. The weight of concrete shall be assumed to be not more than one hundred forty–five (145) pounds–per–cubic–foot.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1474. Awning—Enclosures

(a) Awning enclosures shall be used only for recreational or outdoor living purposes and shall not be used as carports or storage rooms nor shall they be constructed or converted for use as a habitable room or a cabana.

(b) Combustible material used for awning enclosures shall not be installed within three (3) feet of the lot line pursuant to section 1428 of this chapter.

(c) Awnings may be enclosed or partially enclosed as follows:

(1) With insect screening or removable flexible plastic material. Awning drop or side curtains shall not be permanently fastened at the sides or bottom. (A permit to construct is not required.)

(2) With rigid, readily removable transparent, or translucent materials.

(3) Awnings may be partially enclosed with solid, opaque panels, provided the panels do not exceed fifty (50) percent of the total wall area.

(4) Awnings may be completely enclosed with solid material, provided that fifty (50) percent of the total wall area is translucent or transparent material, of which twenty–five (25) percent of the total wall area shall be able to be opened for ventilation. Exiting requirements shall meet the requirements for a cabana.

(d) Where an awning is erected or constructed immediately adjacent to or over a permanently constructed retaining wall of fire resistant material, there shall be not less than eighteen (18) inches clear ventilating opening between the underside of the awning roof and the top of the wall extending the full length of the awning.

(e) An awning shall not be enclosed unless the enclosure is designed and constructed as a freestanding structure or unless the awning is designed and constructed to withstand the additional forces imposed by the enclosure.

(f) The construction requirements for awning enclosures are contained in the California Residential Code.

(g) Heating, cooking, or fuel burning appliances or equipment shall not be installed or used within an awning enclosure.

(h) Drop ceilings may be supported by the MH-unit provided the combined weight of the ceiling and the awning complies with section 1468(d).

(i) When an exit from the unit is enclosed, the exit from the enclosure shall satisfy the exit and lighting requirements contained in section 1429 of this chapter.

AUTHORITY:
NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (g) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Amendment of subsection (f) and new subsection (i) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1476. Carport and Awning—Location

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1478. Carport—Permitted

(a) A carport may be constructed or maintained on a lot only as an accessory structure to a unit located on the same lot.

(b) A freestanding carport, or a common freestanding carport for the use of the occupants of adjacent lots, may be erected on a lot line, provided that such a carport is constructed of material which does not support combustion, and provided that there is a minimum of three (3) feet clearance from any unit or any other structure on the adjacent lots. Such freestanding carports may be connected to a unit or other accessory building or structure by an open covered walkway not exceeding six (6) feet in width.

(c) A carport shall be designed and constructed in accordance with the structural requirements for awnings as specified in section 1468.

(d) A carport shall conform to the dimensions specified in section 1470 for awnings.

(e) At least two (2) sides or one (1) side and one (1) end of a carport shall be maintained at least fifty (50) percent open and unobstructed at all times.

(1) A carport which is partially enclosed shall be designed and constructed to withstand the additional lateral forces imposed by such an enclosure as required for awning enclosures.

(2) Where a carport is constructed immediately adjacent to or over a permanently constructed retaining wall of fire resistant material, there shall not be less than eighteen (18) inches clear ventilating opening between the underside of the carport roof and the top of the wall extending the full length of the carport.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1480. Carport—Design and Construction

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1482. Carport—Dimensions

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1484. Carport—Enclosures

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1486. Ramada—Permitted

(a) A ramada may be erected, constructed, or maintained on a lot only as an accessory to a unit located on the same lot.

(b) A ramada shall be designed and constructed as a freestanding, self–supporting structure meeting the structural requirements for cabanas as specified in section 1446.

(c) A ramada shall not be enclosed or partially enclosed on any side or end, except that the sides may be enclosed when the ramada roof is continuous with the roof of a cabana constructed on the sides of the unit.

(d) A ramada or any portion thereof shall have a clearance of not less than eighteen (18) inches in a vertical direction above any plumbing vent extending through the roof of a unit and not less than six (6) inches in a horizontal direction from each side of a unit.

(e) A minimum of two (2) ventilating openings shall be installed at the highest point in the ramada roof to eliminate the buildup of products from vents or ducts. Vent openings shall be located near the ends of the ramada for cross–ventilation and shall have a minimum cross–sectional area of twenty–eight (28) square inches. Chimneys or vents of fuel burning appliances shall extend through the ramada roof surface and shall terminate in an approved roof jack and cap installed in accordance with the appliance listing and the manufacturer’s installation instructions.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, 18690 and 18610, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1488. Ramada—Location

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1490. Ramada—Design and Construction

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1492. Ramada—Enclosure Prohibited

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1494. Ramada—Roof Venting

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18690, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1496. Porches—Required Exit Facilities

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1498. Landing, Porch and Stairway—Design and Construction

(a) Requirements for the design and construction of all structural elements of porches and stairways and railings are contained in the California Residential Code, except as otherwise provided by this article. Live loads applicable to porch floors and stairways shall be not less than forty (40) psf. Porches shall be designed and constructed as completely freestanding, self–supporting structures. Except as otherwise provided in this article, stairways and ramps shall be a minimum of thirty-six (36) inches in width.

(b) Where a door of the MH-unit swings outward:

(1) the floor of the exterior landing or porch shall be not more than one (1) inch lower than the bottom of the door; and

(2) the width and depth of the exterior landing or porch serving stairs perpendicular to any outswinging door opening shall comply with subsection (a) of this section and shall not be less than the full width of the door when open at least ninety (90) degrees. Guard rails shall permit the door to open at least ninety (90) degrees.

(c) The exit stairway for a door opening on the carport side, when necessary for vehicle access, shall be not less than twentyeight (28) inches or the full clear width of the door opening, whichever is greater, when the stairs are parallel to the MH-unit.

(d) Where the MH-unit door swings inward or is a sliding door, the landing, porch, or top step of the stairway may not be more than seven and one–half (7 1/2) inches below the door. The width of the landing, porch, or top step of the stairway shall comply both with subsection (a) of this section and not be less than the width of the door opening. A landing or porch is not required when the stairway has a straight run up to the door opening.

(e) The stairway may be capable of being relocated and need not be secured to the lot.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment of subsections (a) and (b)(2)(d) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
5. Amendment of subsection (a) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1500. Porch and Stairway Support System.

(a) Porches may be supported on piers in lieu of continuous footings. Individual piers shall be designed and constructed to evenly distribute the loads carried to the footings.

(b) Support footings shall comply with the requirements of either section 1334 of this chapter or the California Residential Code.

AUTHORITY:
Note: Authority cited: Section 1300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1502. Porch—Guardrails

Guardrails shall be provided around the perimeter of porches and decks which are thirty (30) inches or more above grade. The requirements for porches and guardrails are contained in the California Residential Code, except as otherwise provided in this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1504. Stairway—Handrails

(a) Every stairway with four (4) or more risers, or stairways exceeding thirty (30) inches in height, shall be equipped with handrails and intermediate rails for the entire length of the handrail.

(b) Handrails with a circular cross-section shall have an outside diameter of at least one and one-quarter (1.25) inches and not greater than two (2) inches or shall provide equivalent grasping ability. If the handrail is not circular, it shall have a perimeter dimension of at least four (4) inches and not greater than six and one-quarter (6.25) inches with a maximum cross-sectional dimension of two and one-quarter (2.25) inches. Edges shall have a minimum radius of one-hundredth (0.01) inch.

(c) The ends of handrails shall be rounded, extend to the edge of the last step, and shall not project more than three (3) inches beyond the last handrail support post.

(d) The requirements for stairways and handrails are contained in the California Residential Code, except as otherwise provided in this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
3. Amendment of subsection (b), new subsection (c) and subsection relettering filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
4. Amendment of subsection (d) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1506. Ramps and Handrails

When a ramp and handrail are to be constructed in place of a stairway, the requirements for the design and construction of the ramp and handrail are contained in the California Residential Code, except as otherwise provided in this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1508. Storage Cabinets—Number Permitted

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1510. Storage Cabinets

(a) A storage cabinet may be located immediately adjacent to a unit on the same lot, provided all of the following conditions are met:

(1) The required exits and openings for light and ventilation of the unit, cabana, or building component are not obstructed; and

(2) The location does not prevent service or inspection of the unit's or lot's equipment or utility connections; and

(3) The separation requirements from structures on adjacent lots, contained in section 1428 of this chapter, are maintained.

(b) A storage cabinet shall not be used as a habitable structure, or any part of a habitable structure.

(c) A storage cabinet shall not exceed ten (10) feet in height.

(d) The total, combined floor area of all storage cabinets on a lot shall not exceed one hundred twenty (120) square feet.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1512. Storage Cabinets—Dimensions

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1514. Fence Height and Location

(a) A fence located on a lot shall not exceed six (6) feet in height.

(b) A fence exceeding forty–two (42) inches in height, parallel to a unit or habitable accessory building or structure or building component, shall not be located closer than three (3) feet to that unit, habitable accessory building or structure, or building component.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.
HISTORY:
1. Amendment of section heading and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer of subsection (c) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 1516. Fence or Windbreak—Location

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18552, 18610, Health and Safety Code.
HISTORY:
1. Repealer filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1518. Standard Plan Approval

(a) A standard plan approval may be obtained from the department for a plan for accessory buildings or structures. Department–approved plans shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit when the design loads are consistent with the requirements for the locality and the provisions of this chapter.

(b) Requirements regarding the procedure to obtain a standard plan approval are contained in section 1020.9 of this chapter.

(c) Plan check fees shall not be required for an accessory building or structure when a standard plan approval has been obtained from the department.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18502 and 18552, Health and Safety Code.
HISTORY:
1. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1520. Building Components

(a) When a building component is installed on a lot for the use of the occupants of a unit, the installation of the building component requires that a permit be obtained in accordance with section 1020.3.

(b) The requirements for the construction of building components are contained in the California Code of Regulations, Title 25, Division 1, Chapter 3, sections 3020 through 3073, 3081, and 3082.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18552, Health and Safety Code. Reference: Sections 18500, 18552, 19967 and 19971, Health and Safety Code.
HISTORY:
1. Amendment of section heading, section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 10. Violations, Complaints, and Abatement

§ 1600. Application and Scope

(a) The substandard conditions and abatement requirements contained in this article shall apply to parks, permanent buildings or structures in parks, units, accessory buildings or structures, and building components wherever they are located both within and outside of parks in all parts of the state.

(b) Existing construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
NOTE: Authority cited: Sections 18300, 18605 and 18610, Health and Safety Code. Reference: Sections 18300, 18404, 18605 and 18610, Health and Safety Code.
HISTORY:
1. Repealer and new section filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Repealer and new article heading and section and amendment of Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of article 10 heading filed 12-29-2005; operative 1-1-2006 pursuant to Government Code section 11343.4 (Register 2005, No. 52).
4. Amendment of article heading filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1602. Application and Scope

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18300, Health and Safety Code.
HISTORY:
1. Repealer filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).

§ 1604. Responsibility

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18401, 18402 and 18603, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Renumbering of former section 1604 to new section 1102 filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1605. Substandard Permanent Buildings

Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation that include, but are not limited to, the following:

(1) Where required, the lack of, inoperable, or defective water closet, lavatory, bathtub or shower.

(2) Where required, the lack of, inoperable, or defective kitchen sink.

(3) Lack of or inadequate hot and cold running water to plumbing fixtures.

(4) Dampness of habitable rooms.

(5) Infestation of insects, vermin or rodents.

(6) General dilapidation or improper maintenance.

(7) Lack of or defective connection of plumbing fixtures to a sewage disposal system.

(8) Lack of adequate garbage and rubbish storage and removal facilities.

(b) Structural hazards, which include, but are not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(10) Lack of minimum amounts of required natural light and ventilation.

(c) A Nuisance as defined in subsection 1002.

(d) Electrical hazards which include, but are not limited to, the following:

(1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Lack of, inoperable, or defective required electrical lighting.

(e) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross–connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

(2) Inoperable or defective ventilating equipment.

(g) Faulty weather protection shall include, but not be limited to, the following:

(1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All buildings or portions thereof not provided with adequate exit facilities as required by this chapter, except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations at the time of their construction.

(l) All buildings, structures, or portions thereof which are not provided with the fire–resistive construction or fire–extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws and regulations at the time of their construction.

(m) All buildings, structures, or portions thereof occupied for living sleeping, cooking, or dining purposes which are not designed or intended to be used for these occupancies.

(n) Room and space dimensions less than required by this chapter.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18254, 18402, 18404, 18620, 18630, 18640, 18670, 18690 and 18691, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1640 to new section 1605, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1606. Substandard MH-Unit

Any MH-unit shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation that include, but not be limited to, the following:

(1) Lack of, inoperable, or defective water closet, lavatory, bathtub or shower.

(2) Lack of, inoperable, or defective kitchen sink.

(3) Lack of or inadequate hot and cold running water to plumbing fixtures.

(4) Dampness of habitable rooms.

(5) Infestation of insects, vermin, or rodents.

(6) General dilapidation or improper maintenance.

(7) Lack of or defective connection of plumbing fixtures to a sewage disposal system.

(b) Structural hazards include, but are not limited to, the following:

(1) Deteriorated or inadequate foundation or stabilizing devices.

(2) Defective or deteriorated flooring or floor supports.

(3) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(4) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(5) Lack of adequate or defective ventilation.

(6) Lack of adequate room and space dimensions.

(c) Nuisance as defined in section 1002.

(d) Electrical hazards include, but are not limited to, the following:

(1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Electrical conductors which are not protected by overcurrent protective devices designed to open the circuit when the current exceeds the ampacity of the conductor.

(3) Electrical conductors which do not have ampacity at least equal to the rating of outlet devices or equipment supplied.

(4) Electrical conductors which are not protected from physical damage.

(5) Metallic boxes, fittings, or equipment in an electrical wiring system which are not grounded to prevent shock.

(6) Lack of, inoperable or defective electrical lighting.

(e) Plumbing hazards include, but are not limited to, the following:

(1) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and siphonage between fixtures.

(2) Lack of effective traps providing a water seal for each plumbing fixture.

(3) Lack of effective venting of plumbing drain piping.

(4) Broken, unsanitary or leaking plumbing pipe or fixtures.

(5) Any fixture, fitting, device or connection installed in such a manner as to permit contamination of the potable water supply.

(f) Hazardous mechanical equipment shall include, but not be limited to, the following:

(1) Mechanical equipment, including all heating equipment and its vent, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Unvented fuel burning heating appliances unless their use is permitted by all applicable laws and regulations.

(3) Heating or fuel burning equipment, including its vent, without adequate clearance from combustible material.

(4) Unsupported, loose, or leaking fuel supply piping.

(5) Lack of, inoperable, or defective heating.

(g) Faulty weather protection shall include, but not be limited to deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.

(h) Any MH-unit or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All MH-units or portions thereof not provided with adequate exit facilities as required by this chapter except those MH-units or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction, and those facilities which have not been adequately maintained.

(l) Any MH-unit containing fossil-fuel burning appliances or an attached garage that is not supplied with an operational carbon monoxide alarm.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18402, 18404, 18550, 18605 and 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1704 to new section 1606, including amendment of section heading, section and Note, filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28). For prior history, see Register 85, No. 36.
2. New subsection (l) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1607. Substandard Recreational Vehicle

Any recreational vehicle shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards that include, but are not limited to, the following:

(1) Lack of adequate or defective ventilation.

(2) Dampness of habitable rooms.

(3) Infestation of insects, vermin or rodents.

(4) General dilapidation or improper maintenance.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Defective or deteriorated flooring or floor supports.

(2) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(3) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(c) Nuisance as defined in section 1002.

(d) Electrical hazards include, but are not limited to, the following:

(1) All electrical equipment and installations that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Electrical conductors which are not protected by overcurrent protective devices designed to open the circuit when the current exceeds the ampacity of the conductor.

(3) Electrical conductors which do not have ampacity at least equal to the rating of outlet devices or equipment supplied.

(4) Electrical conductors which are not protected from physical damage.

(5) Metallic boxes, fittings, or equipment in an electrical wiring system which are not grounded to prevent shock.

(e) Plumbing hazards include, but are not limited to, the following:

(1) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross connections and siphonage between fixtures.

(2) Lack of effective traps providing a water seal for each plumbing fixture.

(3) Lack of effective venting of plumbing drain piping.

(4) Broken, unsanitary or leaking plumbing, pipe or fixtures.

(5) Any fixture, fitting, device or connection installed in such a manner as to permit contamination of the potable water supply.

(f) Hazardous mechanical equipment includes, but is not limited to, the following:

(1) Mechanical equipment, including all heating equipment and its vent, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Unvented fuel burning heating appliances unless otherwise permitted by law.

(3) Heating or fuel burning equipment, including its vent, without adequate clearance from combustible material.

(4) Unsupported, loose, or leaking fuel supply piping.

(5) When provided, defective heating.

(g) Faulty weather protection includes, but is not limited to deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.

(h) Any recreational vehicle or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or those that have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All recreational vehicles or portions thereof not provided with adequate exit facilities which conformed to all applicable laws, regulations and standards in effect at the time of their construction, or those facilities that have not been adequately maintained.

(l) Any other components of recreational vehicles or portions thereof that did not conform with all applicable laws, regulations and standards in effect at the time of their construction, or those that have not been adequately maintained.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18402, 18404, 18550, 18605 and 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1706 to new section 1607, including amendment of section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1608. Substandard Accessory Buildings and Structures and Building Components

Any accessory structure or building, or building component or portion thereof, or the premises on which the same is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation include, but are not limited to, the following:

(1) When installed, inoperable or defective water closet, lavatory, bathtub or shower.

(2) When installed, inoperable or defective kitchen sink.

(3) When installed, inadequate hot and cold running water to plumbing fixtures.

(4) Dampness of habitable rooms.

(5) Infestation of insects, vermin or rodents.

(6) General dilapidation or improper maintenance.

(7) When installed, defective connection of plumbing fixtures to a sewage disposal system.

(b) Structural hazards, which include, but are not limited to, the following:

(1) Deteriorated or inadequate foundations or stabilizing devices.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(10) Lack of, inoperable, or defective required ventilating equipment.

(11) Lack of minimum amounts of required natural light and ventilation.

(c) Nuisance as defined in section 1002.

(d) Electrical hazards include, but are not limited to, the following:

(1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Lack of, inoperable, or defective required electrical lighting.

(e) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross–connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

(g) Faulty weather protection, which includes, but is not limited to, the following:

(1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any accessory structure or building or building component or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.

(k) All accessory building or structures or building components or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(l) All buildings, structures, or portions thereof which are not provided with the fire–resistive construction or fire–extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws at the time of their construction and whose fire–resistive integrity and fire–extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(m) All accessory buildings or structures or building components or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

(n) Room and space dimensions less than required by this chapter.

AUTHORITY:
Note: Authority cited: Section 18300 Health and Safety Code. Reference: Sections 18402, 18404, 18552 and 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1608 to new section 1114 and renumbering of former section 1738 to section 1608, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1610. Abatement

(a) The registered owner of a unit, accessory building or structure, or building component that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation is required to abate the violation.

(b) The legal owner of the property, or park owner or operator for properties or permanent buildings under their ownership or control, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation, is required to abate the violation.

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18402, 18404, 18550, 18552, 18605, 18610 and 18613, Health

and Safety Code.
HISTORY:
1. Renumbering of former section 1610 to new section 1116 and renumbering of former section 1740 to section 1610, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1611. Notice of Violation, Complaints and Orders to Correct

(a)(1) Whenever the enforcement agency finds a condition that constitutes a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, the enforcement agency shall provide a written notice to the person or entity responsible for correction of the violation.

(2) The written notice shall state the conditions which constitute the violation including a reference to the law or regulation being violated, and shall order its abatement or correction within five (5) days after the date of notice or a longer period of time as allowed by the enforcement agency.

(3) If a unit is in such condition that identification numbers are not available to determine ownership, the notice shall be given to the owner of the real property, or if located in a park, the owner or operator of the park.

(4) Whenever the enforcement agency determines a unit, habitable accessory building or structure, or permanent building constitutes an imminent hazard representing an immediate risk to the life, health, or the safety of an occupant, the enforcement agency shall post a notice on the structure, declaring it uninhabitable. The unit, habitable accessory building or structure, or permanent building shall not be occupied until deemed safe by the enforcement agency. At the time of the posting, the enforcement agency shall issue a notice as described in this section to the registered owner. A copy of the notice shall be issued to the occupant of the unit, or accessory building or structure, or permanent building, if the occupant is not the registered owner.

AUTHORITY:
Note: Authority cited: Sections 18300, 18605, 18610, 18620, 18630, 18640, 18670, 18690 and 18691, Health and Safety Code. Reference: Sections 18300, 18402, 18404, 18500, 18550, 18605, 18610, 18620, 18630, 18640, 18670, 18690 and 18691, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1710 to section 1611, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 1612. Final Notice Requirements and Appeals

(a) If the initial notice from the enforcement agency has not been complied with on or before the date specified in the notice, the enforcement agency may institute proceedings against the cited person or entity.

(1) The enforcement agency shall issue to the cited person, the last registered owner of a cited unit, and the park owner or operator, or the legal owner of the property where the cited unit, structure, or property is located, a final notice of violation or notice to abate the violation that shall contain at a minimum the following:

(A) the date the notice is prepared;

(B) the name or names of the responsible person or entity;

(C) a list of the uncorrected violation(s) cited;

(D) final compliance date;

(E) right to request an informal conference pursuant to section 1752 of this chapter if one has not been requested previously with regard to the identified violations;

(F) right to request a hearing as defined in Section 1002 subdivision (h)(3) pursuant to section 1756 of this chapter but only after the denial or conclusion of the informal conference;

(G) a statement that any willful violation is a misdemeanor under section 18700 of the Health and Safety Code.

(2) The final notice shall be mailed, by registered or certified mail, return receipt requested, to the cited person, to the legal owner of the property as indicated on the permit to operate application and to the last known address of the last registered or legal owner of record of the cited unit, unless the unit is in such condition that identification numbers are not available to determine ownership. The final notice may also be served by personal service at the discretion of the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18402, 18404, 18420, 18421, 18552 and 18605, Health and Safety Code.
HISTORY:
1. Amendment filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Repealer of section and renumbering of former section 1711 to section 1612, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of section heading and subsection (a)(1)(E) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
4. Amendment of subsections (a)(1), (a)(1)(F) and (a)(2), repealer of subsection (a)(3) and amendment of Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1613. Request for Hearing, Notice of Time and Place for Hearing [Repealed]

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18421 and 18605, Health and Safety Code.

HISTORY:
1. Renumbering of former section 1714 to new section 1613, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1614. Lot Occupancy

AUTHORITY:
Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18605, 18610, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1614 to new section 1118 filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1615. Hearing [Repealed]

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Section 18605, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1718 to new section 1615, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1616. Time to Bring Action [Repealed]

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Section 18605, Health and Safety Code.
HISTORY:
1. Amendment of subsections (a) and (b) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Repealer of section and renumbering of former section 1720 to section 1616, including amendment of section, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Repealer filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1617. Consequences of Failure to Abate

(a) It is unlawful for the person ordered to abate a violation to fail or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

(b) If, after the reinspections of an order to correct a violation, the enforcement agency determines that the cited person has made reasonable progress to abate the violation, or that circumstances beyond the control of the cited person have interfered with compliance or slowed compliance, the enforcement agency, in its sole discretion, may extend the period for compliance.

(c) Notwithstanding the provisions of subdivision (a), if a violation poses an imminent hazard representing an immediate risk to life, health, and safety and requires immediate correction, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate a violation if abatement is not complete within the time period allowed by the notice of violation and order.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18404, 18423 and 18605, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1722 to new section 1617, including amendment of section heading, section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 1618. Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation or abate a nuisance within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(b) If the unit is in such condition that identification numbers are not available to determine ownership, or the enforcement agency is unable to locate the owner after making a reasonable effort to do so, the owner of the property on which the unit is located shall be liable for such costs.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18404, 18423 and 18605, Health and Safety Code.
HISTORY:
1. Amendment of subsection (a) filed 8–22–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Repealer of section and renumbering of former section 1724 to section 1618, including amendment of section and Note, filed 7–6–2004; operative

7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of subsection (a) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1619. Removal

(a) A unit, permanent building, accessory building or structure or building component which has been ordered to be removed due to the existence of violations or a nuisance shall be removed in a manner consistent with law.

(b) A copy of the order to remove an MH-Unit accompanied by the titles, registration cards, license plates or decals, and the insignias or federal labels, if available, shall be forwarded to the department. The Department of Motor Vehicles shall be sent the order to remove a recreational vehicle with all indicia noted above. The enforcement agency shall send the required information and indicia within five (5) days after removal of a unit.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18402, 18404, 18423 and 18605, Health and Safety Code.
HISTORY:
1. Renumbering of former section 1726 to new section 1619, including amendment of section and Note, filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 11. Informal Conferences and Hearing Procedures

§ 1750. Application and Scope

(a) The provisions of this article apply to the procedures available to a cited person, as defined by section 1002 of this chapter, who has received a notice of a violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, issued by the enforcement agency.

(b) A request for an informal conference or hearing will not extend the time for correction of immediate risks to life, health, or safety.

(c) None of the procedures for the appeal and subsequent hearing process extends the time allowed for the correction of violations noted in the original notice of violation or notice of abatement noted in subsequent notices of violation issued to the same person or about the same situation unless:

(1) the final date of compliance occurs before the later of either the date of the informal conference or the date of the written determination of the enforcement agency;

(2) the final date of compliance occurs before the later of either the date of the hearing or the date of the hearing officer's final order;

(3) an extension of time allowed for the correction of violations is contained in the written determination provided by the enforcement agency pursuant to subsection 1754(b); or

(4) an extension of the time allowed for the correction of violations is contained in the final decision issued by an enforcement agency pursuant to subsection 1757(d).

AUTHORITY:
Note: Authority cited: Sections 18300, 18421 and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18420 and 18421, Health and Safety Code.
HISTORY:
1. Repealer of Article 11 (Sections 1750-1778, not consecutive) filed 8-22-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. New article 11 and section filed 4-17-95; operative 5-17-95 (Register 95, No. 16).
3. Amendment filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
4. Amendment of article heading, section and Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
5. New subsection (b) and subsection relettering filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 1752. Request for Informal Conference

(a) The following informal conference process shall be available to a cited person who is required to respond to a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law and shall be initiated solely at the discretion of the person addressed in the notice of violation if he or she desires to appeal or seek clarification of the notice of violation.

(b) The use of the informal conference process shall be limited to the dispute of one or more of the following issues contained in a notice of violation:

(1) The existence of one or more alleged violations,

(2) The alleged failure to correct the violations in the required time frame, and

(3) The reasonableness of the time frame within which the violations shall be corrected.

(c) If a person is in receipt of a notice of violation and chooses to request an informal conference with a representative of the enforcement agency,

(1) the person shall make a written request to the enforcement agency for an informal conference, and

(2) the person shall ensure that the enforcement agency receives the written request within ten (10) working days of the notice of violation.

(d) The written request for an informal conference shall provide the following information:

(1) The name, address, and telephone number of the person requesting the informal conference, and

(2) A brief description of the issues disputed.

(e) Within seven (7) working days of the receipt of a written request for an informal conference, the enforcement agency shall contact the person who submitted the request and shall schedule an informal conference for the earliest possible, mutually convenient time and place. The informal conference shall occur during the normal working hours and shall be held no later than twenty-one (21) working days after the enforcement agency's receipt of the written request. "Normal working hours" are from 8:00 a.m. to 5:00 p.m. on Monday through Friday, excluding holidays.

(f) The enforcement agency shall deny a request for an informal conference only if one (1) or more of the following conditions apply:

(1) The issues identified for dispute in the written request do not include at least one (1) of the issues specified in subsection (b), or

(2) The person requesting the informal conference is not available to meet with the representative of the enforcement agency within the twentyone (21) day time period and the enforcement agency determines that good cause does not exist to postpone the informal conference.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18421, Health and Safety Code. Reference: Sections 18402, 18403, 18420 and 18421, Health and Safety Code.
HISTORY:
1. New section filed 4–17–95; operative 5–17–95 (Register 95, No. 16).
2. Amendment filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of subsection (a) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
4. Amendment of subsections (a), (e) and (f)(2) and amendment of Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1754. Informal Conference

(a) An informal conference related to a violation shall occur at the time and place scheduled and shall provide the person requesting the conference with the opportunity to explain to the representative of the enforcement agency each issue disputed and the facts and circumstances of each dispute.

(b) Within ten (10) working days of the completion of the informal conference, the enforcement agency shall provide a written notification of its determination, to the person who requested the conference.

(c) The written determination shall sustain, overrule, or modify the original notice of violation that contained each issue disputed at the informal conference. Modification may include:

(1) changes to the original violation cited,

(2) where necessary to provide a reasonable time for compliance, an extension of the time within which the modified required corrective action shall be completed. The extension of time shall not exceed thirty (30) calendar days, or such longer period of time allowed by the enforcement agency, from the date of the enforcement agency's written determination or greater period of time as determined by the enforcement agency.

(d) The written request for an informal conference shall be considered withdrawn if the person who submitted the request:

(1) does not appear at the mutually–agreed upon time and place scheduled for the informal conference, and

(2) does not notify the enforcement agency, within five (5) calendar days prior to the date on which the informal conference was scheduled, with written confirmation of the good–cause reason for not appearing at the informal conference.

(e) If the enforcement agency determines that good cause exists for a postponement, the enforcement agency shall postpone an informal conference for a period of time not to exceed fifteen (15) working days and shall notify the person in writing of the time and date of the postponed conference. Otherwise, the agency shall confirm the automatic withdrawal and, if applicable, the denial of the request due to a lack of a good cause reason, as determined by the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18300, 18421 and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18420, 18421 and 18605, Health and Safety Code.
HISTORY:
1. New section filed 4–17–95; operative 5–17–95 (Register 95, No. 16).
2. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of subsection (b) and Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1756. Request for Hearing: Appeal of Decision Rendered in Informal Conference

(a) Any park owner or operator, cited person, or any registered owner of a unit, who has received a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law from the enforcement agency has the right to request a hearing on the matter before an authorized representative of the enforcement agency or that person's designee, after a decision is rendered in an informal conference or the agency has denied the request for an informal conference.

(b) The person requesting the hearing shall submit a written hearing request to the enforcement agency:

(1) within ten (10) working days of the date of the denial of a request for an informal conference, or

(2) within ten (10) working days of the date of the enforcement agency's written determination, following an informal conference, if the issues contained in the notice of violation and the request for hearing were disputed at the informal conference, or

(3) within ten (10) working days of the enforcement agency's issuance of a notice of intent to suspend a permit to operate, issued pursuant to section 18511 of the Health and Safety Code. An informal conference is not a condition precedent to a request for a hearing on a notice of intent to suspend the permit to operate and the request shall not be denied for failure to have an informal conference as referenced in Section 1756 subdivision (a), or

(4) within ten (10) working days of the written notice of refusal of the application for a permit to install an earthquake resistance bracing system pursuant to section 1377. An informal conference is not a condition precedent to a request for a hearing for refusal of the application for a permit to install an earthquake resistant bracing system and the request shall not be denied for failure to have an informal conference as referenced in Section 1756 subdivision (a).

(c) The written hearing request shall:

(1) provide the name, address, and phone number of the appellant,

(2) provide the appellant's reasons for requesting a hearing,

(3) summarize each issue to be disputed at the hearing, and

(4) state the remedy the appellant is seeking.

(d) Upon receipt of a request for a hearing from the cited person or entity, the enforcement agency shall set a time and place for the hearing, shall provide the appellant with written notice of the scheduled time and place of the hearing, and shall provide a statement of the agency's selection of the informal hearing procedures to be applied at the hearing. The enforcement agency shall include a copy of the agency's informal hearing procedures, as required pursuant to Government Code sections 11425.10 and 11445.30.

(1) The enforcement agency shall provide the time and place of the hearing in a written notice to the appellant within fifteen (15) working days of receipt of the request.

(2) The hearing shall commence within fifteen (15) working days of the date of the written notice of the scheduled hearing sent by the enforcement agency.

(3) The appellant shall have the right to apply to the enforcement agency for the postponement of the date of the hearing for a reasonable amount of time. The appellant shall provide a good cause reason for the request.

(4) The enforcement agency shall grant a request for postponement if it determines that the appellant has good-cause reason for the postponement.

(e) In the event that a cited violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a hearing shall not be permitted and a request for a hearing shall not extend the time for the correction of the violation.

(f) Upon receipt of the request for hearing from the cited person or entity, the enforcement agency shall not initiate any judicial or administrative action related to the defect or defects appealed until after the hearing. However, if the defect or defects cited become an imminent hazard representing an immediate risk to life, health, and safety of persons or property which require immediate correction, the enforcement agency may cancel the hearing, demand immediate abatement or correction, and initiate any appropriate judicial or administrative action related to the defect or defects.

(g) If the request for hearing is not received within ten (10) days from the date of personal service or acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings.

AUTHORITY:
NOTE: Authority cited: Sections 18300, 18421 and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18420, 18421 and 18605, Health and Safety Code.
HISTORY
1. New section filed 4–17–95; operative 5–17–95 (Register 95, No. 16).
2. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of subsections (a) and (b)(1)-(2) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
4. Amendment of section heading, section and Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 1758. Petition to Review Order of Local Enforcement Agency Following a Hearing

(a) A park owner or operator, or the registered owner of a unit shall be entitled to petition the department to review and investigate, as necessary, the enforcement activities of the local enforcement agency if he or she:

(1) has received a notice of violation issued by an enforcement agency other than the department, and

(2) has received a final order from the local enforcement agency following a hearing.

(b) The petition shall be in writing and shall include the following:

(1) a copy of the original notice of violation;

(2) a copy of the enforcement agency's written determination, if an informal conference was held;

(3) a copy of the enforcement agency's final order if a hearing was held; and

(4) a clear, concise explanation of the issues that the petitioner continues to dispute.

(c) The department shall deem the petition to be a request to exercise the department's responsibility to monitor local enforcement activity pursuant to section 18306 of the Health and Safety Code.

(1) Within sixty (60) working days of the receipt of the petition, the department shall review the petition and provide the petitioner with written notice of whether the activities of the local agency require investigation by the department.

(2) If the department has determined that the activities of the local agency require investigation by the department, the written notice to the petitioner shall provide a time frame for the investigation.

(3) If the department investigates the enforcement activities of a local agency in response to one (1) or more petitions provided pursuant to subsection (a), the department shall notify each petitioner within sixty (60) days of the results of the department's investigation.

(d) If the department finds that the notice of violation, written determination, and/or final order issued by the local enforcement agency reflect(s) nonenforcement or overenforcement of the law, the department shall initiate corrective action pursuant to the provisions of subdivision (d) of section 18300 of the Health and Safety Code.

(e) A petition filed pursuant to this section shall not extend the time for correction of the violation as provided in the original or any subsequent notice of violation issued by the local enforcement agency unless the department, based on the petition and materials submitted with the petition, determines there is a high likelihood that the local enforcement agency was incorrect in issuing the notice of violation.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18421, Health and Safety Code. Reference: Sections 18306, 18420 and 18421, Health and Safety Code.
HISTORY:
1. New section filed 4–17–95; operative 5–17–95 (Register 95, No. 16).
2. Amendment of section and Note filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
3. Amendment of section heading and section filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

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MOBILEHOME PARKS—MISCELLANEOUS STATUTES

EXTRACTED FROM BUSINESS AND PROFESSIONS CODE

Division 4 REAL ESTATE

Part 2 REGULATION OF TRANSACTIONS

Chapter 1 SUBDIVIDED LANDS

Article 2 Investigation, Regulation And Report

§ 11010.8. Purchase of mobilehome park by nonprofit corporation; Inapplicability of notice of intention requirement

(a) The requirement that a notice of intention be filed pursuant to Section 11010 is not applicable to the purchase of a mobilehome park by a nonprofit corporation if all of the following occur:

(1) A majority of the shareholders or members of the nonprofit corporation constitute a majority of the homeowners of the mobilehome park, and a majority of the members of the board of directors of the nonprofit corporation are homeowners of the mobilehome park.

(2) All members of the corporation are residents of the mobilehome park. Members of the nonprofit corporation may enter into leases with the corporation that are greater than five years in length. “Homeowners” or “residents” of the mobilehome park shall include a bona fide secured party who has, pursuant to a security interest in a membership, taken title to the membership by means of foreclosure, repossession, or voluntary repossession, and who is actively attempting to resell the membership to a prospective resident or homeowner of the mobilehome park, in accordance with subdivision (f) of Section 7312 of the Corporations Code.

(3) A permit to issue securities under Section 25113 of the Corporations Code is obtained from the Department of Business Oversight, Division of Corporations. In the case of a nonissuer transaction (as defined by Section 25011 of the Corporations Code) involving the offer to resell or the resale of memberships by a bona fide secured party as described in paragraph (2) of this section, a permit is not required where the transaction is exempt from the qualification requirements of Section 25130 of the Corporations Code pursuant to subdivision (e) of Section 25104 of the Corporations Code. The exemption from qualification pursuant to subdivision (e) of Section 25104 of the Corporations Code available to a bona fide secured party does not eliminate the requirement of this section that the nonprofit corporation shall either file a notice of intention pursuant to Section 11010 or obtain a permit pursuant to Section 25113 of the Corporations Code.

(4) All funds of tenants for the purchase of the mobilehome park are deposited in escrow until the document transferring title of the mobilehome park to the nonprofit corporation is recorded. The escrow also shall include funds of homeowners that shall be available to the homeowners association nonprofit corporation for payment of any and all costs reasonably associated with the processing and conversion of the mobilehome park into condominium interests. Payment of these costs may be made from the funds deposited in escrow prior to the close of escrow upon the direction of the homeowners association nonprofit corporation.

(b) The funds described by paragraph (4) of subdivision (a), or any other funds subsequently received from tenants for purposes other than the purchase of a separate subdivided interest in any portion of the mobilehome park, are not subject to the requirements of Section 11013.1, 11013.2, or 11013.4.

Added Stats 1986 ch 26 § 1, effective March 21, 1986. Amended Stats 1988 ch 1625 § 1; Stats 1989 ch 810 § 1; Stats 1995 ch 256 § 1 (SB 310); Stats 2013 ch 352 § 36 (AB 1317), effective September 26, 2013, operative July 1, 2013.

§ 11010.85. Notice of intention requirement not applicable to floating home marina

(a) The requirement that a notice of intention be filed pursuant to Section 11010 is not applicable to the purchase of a floating home marina by a nonprofit corporation if all of the following occur:

(1) A majority of the shareholders or members of the nonprofit corporation constitute a majority of the homeowners of the floating home marina, and a majority of the members of the board of directors of the nonprofit corporation are homeowners of the floating home marina.

(2) All members of the corporation are residents of the floating home marina. Members of the nonprofit corporation may enter into leases with the corporation that are greater than five years in length. "Homeowners" or "residents" of the floating home marina shall include a bona fide secured party who has, pursuant to a security interest in a membership, taken title to the membership by means of foreclosure, repossession, or voluntary repossession, and who is actively attempting to resell the membership to a prospective resident or homeowner of the floating home marina, in accordance with subdivision (f) of Section 7312 of the Corporations Code.

(3) A permit to issue securities under Section 25113 of the Corporations Code is obtained from the Department of Business Oversight, Division of Corporations. In the case of a nonissuer transaction (as defined by Section 25011 of the Corporations Code) involving the offer to resell or the resale of memberships by a bona fide secured party as described in paragraph (2) of this section, a permit is not required where the transaction is exempt from the qualification requirements of Section 25130 of the Corporations Code pursuant to subdivision (e) of Section 25104 of the Corporations Code. The exemption from qualification pursuant to subdivision (e) of Section 25104 of the Corporations Code available to a bona fide secured party does not eliminate the requirement of this section that the nonprofit corporation shall either file a notice of intention pursuant to Section 11010 or obtain a permit pursuant to Section 25113 of the Corporations Code.

(4) All funds of tenants for the purchase of the floating home marina are deposited in escrow until the document transferring title of the floating home marina to the nonprofit corporation is recorded. The escrow also shall include funds of homeowners that shall be available to the homeowners association nonprofit corporation for payment of any and all costs reasonably associated with the processing and conversion of the floating home marina into condominium interests. Payment of these costs may be made from the funds deposited in escrow prior to the close of escrow upon the direction of the homeowners association nonprofit corporation. (b) The funds described by paragraph (4) of subdivision (a), or any other funds subsequently received from tenants for purposes other than the purchase of a separate subdivided interest in any portion of the floating home marina, are not subject to the requirements of Section 11013.1, 11013.2, or 11013.4.

Added Stats 2013 ch 432 § 2 (AB 253), effective January 1, 2014.

§ 11010.9. Mobilehome park conversion to resident ownership; Disclosure notice

(a) Notwithstanding any other provision of law, the subdivider of a mobilehome park or floating home marina that is proposed to be converted to resident ownership, prior to filing a notice of intention pursuant to Section 11010, shall disclose to homeowners and residents of the park or marina, by written notice, the tentative price of the subdivided interest proposed to be sold or leased.

(b) The disclosure notice required by subdivision (a) shall include a statement that the tentative price is not binding, could change between the time of disclosure and the time of governmental approval to commence the actual sale or lease of the subdivided interests in the park or marina, as the result of conditions imposed by the state or local government for approval of the park or marina conversion, increased financing costs, or other factors and, in the absence of bad faith, shall not give rise to a claim for liability against the provider of this information.

(c) The disclosure notice required by subdivision (a) shall not be construed to authorize the subdivider of a mobilehome park or floating home marina that is proposed to be converted to resident ownership to offer to sell or lease, sell or lease, or accept money for the sale or lease of, subdivided interests in the park, or marina, or to engage in any other activities that are otherwise prohibited, with regard to subdividing the park or marina into ownership interests, prior to the issuance of a public report pursuant to this chapter.

Added Stats 1995 ch 256 § 2 (SB 310). Amended Stats 2013 ch 432 § 2 (AB 253), effective January 1, 2014.

Division 5 WEIGHTS AND MEASURES

Chapter 2 ADMINISTRATION (Repealed January 1, 2016)

Article 2.1 Fees And Charges

§ 12240. (Repealed January 1, 2016) Annual device registration fee

(a) Except as otherwise provided in this section, the board of supervisors, by ordinance, may charge an annual registration fee, not to exceed the county's total cost of actually inspecting or testing the devices as required by law, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer pursuant to Section 12210, and to recover the cost of carrying out Section 12211.

(b) Except as otherwise provided in this section, the annual registration fee shall not exceed the amount set forth in subdivisions (f) to (r), inclusive.

(c) The county may collect the fees biennially, in which case they shall not exceed twice the amount of an annual registration fee. The ordinance shall be adopted pursuant to Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(d) Retail gasoline pump meters, for which the above fees are assessed, shall be inspected as frequently as required by regulation, but not less than once every two years.

(e) Livestock scales, animal scales, and scales used primarily for weighing feed and seed, for which the above fees are assessed, shall be inspected as frequently as required by regulation.

(f) For purposes of this section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee, a Department of Food and Agriculture administrative fee, as specified in Section 12241, and a device fee, as specified in subdivisions (g) to (r), inclusive. The business location fee and device fee shall not exceed one hundred dollars ($100) per business location, plus 100 percent of the maximum applicable device fee listed in subdivisions (g) to (r), inclusive.

(g)(1) For marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee shall not exceed the following:

(A) For water submeters, two dollars ($2) per device per space or apartment.

(B) For electric submeters, three dollars ($3) per device per space or apartment.

(C) For vapor submeters, four dollars ($4) per device per space or apartment.

(2) Marinas, mobilehome parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed shall be inspected and tested as frequently as required by regulation.

(h) For weighing devices, other than livestock, with capacities of 10,000 pounds or greater, the device fee shall not exceed two hundred fifty dollars ($250) per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred fifty dollars ($150) per device.

(i) This section does not apply to farm milk tanks.

(j) A scale or device used in a certified farmers' market, as defined by Section 113742 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.

(k) For livestock scales with capacities of 10,000 pounds or greater, the device fee shall not exceed one hundred fifty dollars ($150) per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred dollars ($100) per device.

(l) For liquefied petroleum gas (LPG) meters, truck mounted or stationary, the device fee shall not exceed one hundred eighty-five dollars ($185) per device.

(m) For wholesale and vehicle meters, the device fee shall not exceed seventy-five dollars ($75) per device.

(n) For computing scales, the device fee shall not exceed twenty dollars ($20) per device. For purposes of this subdivision, a computing scale shall be a weighing device with a capacity of less than 100 pounds that indicates the money value of any commodity weighed, at predetermined unit prices, throughout all or part of the weighing range of the scale. For the purposes of this subdivision, the portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand dollars ($1,000) for each business location.

(o) For jewelry and prescription scales, the device fee shall not exceed eighty dollars ($80) per device. For purposes of this subdivision, a jewelry or prescription scale shall be a scale that meets the specifications, tolerances, and sensitivity requirements established or adopted by the secretary applicable to those devices in accordance with Section 12107.

(p) For weighing devices, other than computing, jewelry, and prescription scales as defined in subdivisions (n) and (o), with capacities of at least 100 pounds but less than 2,000 pounds, the device fee shall not exceed fifty dollars ($50) per device.

(q) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions or in computing other charges for service, including, but not limited to, ambulance, towing, or limousine services, the device fee shall not exceed sixty dollars ($60) per device.

(r) This section does not apply to odometers in rental passenger vehicles, as defined in Section 465 of the Vehicle Code, that are subject to Section 1936 of the Civil Code. If a person files a complaint with the county sealer regarding the accuracy of a rental passenger vehicle odometer, the county sealer may charge a fee to the operator of the vehicle rental business sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

(s) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions involving nonpassenger vehicles that are not subject to Section 1936 of the Civil Code, the portion of the annual registration fee consisting of the business location fee and the device fee authorized pursuant to subdivision (q) shall not exceed the sum of three hundred forty dollars ($340) for each business location.

(t) For all other commercial weighing or measuring devices not listed in subdivisions (g) to (r), inclusive, the device fee shall not exceed twenty dollars ($20) per device. For the purposes of this subdivision, the total portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand dollars ($1,000), for each business location.

(u) For the purposes of this section, a single business location is defined as:

(1) Each business location that uses one or more categories or types of commercial devices as set forth in subdivisions (g) to (p), inclusive, and in subdivision (t), that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.

(2) Each vehicle, except for those vehicles that are employed in vehicle rental transactions, in which one or more commercial devices is installed and used.

(3)(A) For vehicles that are employed in vehicle rental transactions and that are not subject to Section 1936 of the Civil Code, each business location at which vehicles are stored or maintained by a vehicle rental company for the purposes of renting vehicles to customers.

(B) A facility that meets all of the following criteria shall not be considered a business location for the purposes of this paragraph:

(i) The facility is not wholly, or in any part, owned, leased, or operated by the vehicle rental company.

(ii) The facility is not operated or staffed by an employee of the vehicle rental company.

(iii) The facility stores or maintains, on a temporary basis, vehicles at the location for customer convenience.

(C) If a person files a complaint with the county sealer regarding the accuracy of an odometer in a vehicle found or located at a facility described in subparagraph (B), the county sealer may charge a fee to the operator of the vehicle rental company sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

Added Stats 1982 ch 1380 § 4. Amended Stats 1983 ch 1245 § 3; Stats 1987 ch 779 § 1; Stats 1991 ch 360 § 1 (AB 1624); Stats 1992 ch 1203 § 1 (AB 2510); Stats 1993 ch 1050 § 1 (AB 1491); Stats 1994 ch 592 § 5 (SB 1644); Stats 1996 ch 124 § 3 (AB 3470), ch 1023 § 22 (SB 1497) (ch 1023 prevails), effective September 29, 1996; Stats 1998 ch 205 § 1 (SB 1834); Stats 2005 ch 529 § 4 (AB 889), effective January 1, 2006, repealed January 1, 2011; Stats 2011 ch 133 § 2 (AB 120), effective July 26, 2011; Stats 2012 ch 234 § 1 (AB 1623), effective January 1, 2013, repealed January 1, 2016.

CIVIL CODE

TITLE 2 Estates in Real Property

Division 2 PROPERTY

Part 2 REAL OR IMMOVABLE PROPERTY

Chapter 2 TERMINATION OF ESTATES

§ 789.3. Prohibition of interruption or termination of utility service, restriction of access of tenant to property

(a) A landlord shall not with intent to terminate the occupancy under any lease or other tenancy or estate at will, however created, of property used by a tenant as his residence willfully cause, directly or indirectly, the interruption or termination of any utility service furnished the tenant, including, but not limited to, water, heat, light, electricity, gas, telephone, elevator, or refrigeration, whether or not the utility service is under the control of the landlord.

(b) In addition, a landlord shall not, with intent to terminate the occupancy under any lease or other tenancy or estate at will, however created, of property used by a tenant as his or her residence, willfully:

(1) Prevent the tenant from gaining reasonable access to the property by changing the locks or using a bootlock or by any other similar method or device;

(2) Remove outside doors or windows; or

(3) Remove from the premises the tenant's personal property, the furnishings, or any other items without the prior written consent of the tenant, except when done pursuant to the procedure set forth in Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3.

Nothing in this subdivision shall be construed to prevent the lawful eviction of a tenant by appropriate legal authorities, nor shall anything in this subdivision apply to occupancies defined by subdivision (b) of Section 1940.

(c) Any landlord who violates this section shall be liable to the tenant in a civil action for all of the following:

(1) Actual damages of the tenant.

(2) An amount not to exceed one hundred dollars ($100) for each day or part thereof the landlord remains in violation of this section. In determining the amount of such award, the court shall consider proof of such matters as justice may require; however, in no event shall less than two hundred fifty dollars ($250) be awarded for each separate cause of action. Subsequent or repeated violations, which are not committed contemporaneously with the initial violation, shall be treated as separate causes of action and shall be subject to a separate award of damages.

(d) In any action under subdivision (c) the court shall award reasonable attorney's fees to the prevailing party. In any such action the tenant may seek appropriate injunctive relief to prevent continuing or further violation of the provisions of this section during the pendency of the action. The remedy provided by this section is not exclusive and shall not preclude the tenant from pursuing any other remedy which the tenant may have under any other provision of law.

Added Stats 1971 ch 1275 § 1. Amended Stats. 1979, Ch. 333.

EDUCATION CODE

TITLE 1 General Education Code Provisions

Division 1 GENERAL EDUCATION CODE PROVISIONS

Part 10.5 SCHOOL FACILITIES

Chapter 6 DEVELOPMENT FEES, CHARGES, AND DEDICATIONS

§ 17620. Authorization for fee, charge or dedication from development project within district to fund school construction; Certification by district as condition to permit for development

(a) (1) The governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities, subject to any limitations set forth in Chapter 4.9 (commencing with Section 65995) of Division 1 of Title 7 of the Government Code. This fee, charge, dedication, or other requirement may be applied to construction only as follows:

(A) To new commercial and industrial construction. The chargeable covered and enclosed space of commercial or industrial construction shall not be deemed to include the square footage of any structure existing on the site of that construction as of the date the first building permit is issued for any portion of that construction.

(B) To new residential construction.

(C) (i) Except as otherwise provided in clause (ii), to other residential construction, only if the resulting increase in assessable space exceeds 500 square feet. The calculation of the "resulting increase in assessable space" for this purpose shall reflect any decrease in assessable space in the same residential structure that also results from that construction. Where authorized under this paragraph, the fee, charge, dedication, or other requirement is applicable to the total resulting increase in assessable space.

(ii) This subparagraph does not authorize the imposition of a levy, charge, dedication, or other requirement against residential construction, regardless of the resulting increase in assessable space, if that construction qualifies for the exclusion set forth in subdivision (a) of Section 74.3 of the Revenue and Taxation Code.

(D) To location, installation, or occupancy of manufactured homes and mobilehomes, as defined in Section 17625.

(2) For purposes of this section, "construction" and "assessable space" have the same meanings as defined in Section 65995 of the Government Code.

(3) For purposes of this section and Section 65995 of the Government Code, "construction or reconstruction of school facilities" does not include any item of expenditure for any of the following:

(A) The regular maintenance or routine repair of school buildings and facilities.

(B) The inspection, sampling, analysis, encapsulation, or removal of asbestos-containing materials, except where incidental to school facilities construction or reconstruction for which the expenditure of fees or other consideration collected pursuant to this section is not prohibited.

(C) The purposes of deferred maintenance described in Section 17582.

(4) The appropriate city or county may be authorized, pursuant to contractual agreement with the governing board, to collect and otherwise administer, on behalf of the school district, any fee, charge, dedication, or other requirement levied under this subdivision. In the event of any agreement authorizing a city or county to collect that fee, charge, dedication, or other requirement in any area within the school district, the certification requirement set forth in subdivision (b) or (c), as appropriate, is deemed to be complied with as to any residential construction within that area upon receipt by that city or county of payment of the fee, charge, dedication, or other requirement imposed on that residential construction.

(5) Fees or other consideration collected pursuant to this section may be expended by a school district for the costs of performing any study or otherwise making the findings and determinations required under subdivisions (a), (b), and (d) of Section 66001 of the Government Code, or in preparing the school facilities needs analysis described in Section 65995.6 of the Government Code. In addition, an amount not to exceed, in any fiscal year, 3 percent of the fees collected in that fiscal year pursuant to this section may be retained by the school district, city, or county, as appropriate, for reimbursement of the administrative costs incurred by that entity in collecting the fees. When any city or county is entitled, under an agreement as described in paragraph (4), to compensation in excess of that amount, the payment of that excess compensation shall be made from other revenue sources available to the school district. For purposes of this paragraph, "fees collected in that fiscal year pursuant to this section" does not include any amount

in addition to the amounts specified in paragraphs (1) and (2) of subdivision (b) of Section 65995 of the Government Code.

(b) A city or county, whether general law or chartered, or the Office of Statewide Health Planning and Development shall not issue a building permit for any construction absent certification by the appropriate school district that any fee, charge, dedication, or other requirement levied by the governing board of that school district has been complied with, or of the district's determination that the fee, charge, dedication, or other requirement does not apply to the construction. The school district shall issue the certification immediately upon compliance with the fee, charge, dedication, or other requirement.

(c) If, pursuant to subdivision (c) of Section 17621, the governing board specifies that the fee, charge, dedication, or other requirement levied under subdivision (a) is subject to the restriction set forth in subdivision (a) of Section 66007 of the Government Code, the restriction set forth in subdivision (b) of this section does not apply. In that event, however, a city or county, whether general law or chartered, shall not conduct a final inspection or issue a certificate of occupancy, whichever is later, for any residential construction absent certification by the appropriate school district of compliance by that residential construction with any fee, charge, dedication, or other requirement levied by the governing board of that school district pursuant to subdivision (a).

(d) Neither subdivision (b) nor (c) shall apply to a city, county, or the Office of Statewide Health Planning and Development as to any fee, charge, dedication, or other requirement as described in subdivision (a), or as to any increase in that fee, charge, dedication, or other requirement, except upon the receipt by that city, county, or the Office of Statewide Health Planning and Development of notification of the adoption of, or increase in, the fee or other requirement in accordance with subdivision (c) of Section 17621.

Added Stats 1996 ch 277 § 3 (SB 1562), operative January 1, 1998. Amended Stats 1998 ch 407 § 12 (SB 50), effective August 27, 1998, operative November 4, 1998; Stats 1999 ch 300 § 1 (AB 847); Stats 2000 ch 135 § 33 (AB 2539); Stats 2010 ch 541 § 1 (AB 2048).

§ 17625. Application of requirement to manufactured home or mobilehome; Repayment of unauthorized fee; Waiver of fee or permission to pay in installments

(a) Notwithstanding any other law, any fee, charge, dedication, or other form of requirement levied by the governing board of a school district under Section 17620 may apply, as to any manufactured home or mobilehome, only pursuant to compliance with all of the following conditions:

(1) The fee, charge, dedication, or other form of requirement is applied to the initial location, installation, or occupancy of the manufactured home or mobilehome within the school district.

(2) The manufactured home or mobilehome is to be located, installed, or occupied on a space or site on which no other manufactured home or mobilehome was previously located, installed, or occupied.

(3) The manufactured home or mobilehome is to be located, installed, or occupied on a space in a mobilehome park, or on any site or in any development outside a mobilehome park, on which the construction of the pad or foundation system commenced after September 1, 1986.

(b) Compliance on the part of any manufactured home or mobilehome with any fee, charge, dedication, or other form of requirement, as described in subdivision (a), or certification by the appropriate school district of that compliance, shall be required as a condition of the following, as applicable:

(1) The close of escrow, if the manufactured home or mobilehome is to be located, installed, or occupied on a mobilehome park space, or on any site or in any development outside a mobilehome park, as described in subdivision (a), and the sale or transfer of the manufactured home or mobilehome is subject to escrow as provided in Section 18035 or 18035.2 of the Health and Safety Code.

(2) The approval of the manufactured home or mobilehome for occupancy pursuant to Section 18551 or 18613 of the Health and Safety Code, in the event that paragraph (1) does not apply.

(c) A fee or other requirement levied under Section 17620 shall not be applied to any of the following:

(1) Any manufactured home or mobilehome located, installed, or occupied on a space in a mobilehome park on or before September 1, 1986, or on any date thereafter, if construction on that space, pursuant to a building permit, commenced on or before September 1, 1986.

(2) Any manufactured home or mobilehome located, installed, or occupied on any site outside of a mobilehome park on or before September 1, 1986, or on any date thereafter if construction on that site pursuant to a building permit commenced on or before September 1, 1986.

(3) The replacement of, or addition to, a manufactured home or mobilehome located, installed, or occupied on a space in a mobilehome park, subsequent to the original location, installation, or occupancy of any manufactured home or mobilehome on that space.

(4) The replacement of a manufactured home or mobilehome that was destroyed or damaged by fire or any form of natural disaster.

(5) A manufactured home or mobilehome accessory structure, as defined in Section 18008.5 or 18213 of the Health and Safety Code.

(6) The conversion of a rental mobilehome park to a subdivision, cooperative, or condominium for mobilehomes, or its conversion to any other form of resident ownership of the park, as described in Section 50561 of the Health and Safety Code.

(d) If any fee or other requirement levied under Section 17620 is required as to any manufactured home or mobilehome that is subsequently replaced by a permanent residential structure constructed on the same lot, the amount of that fee or other requirement shall apply toward the payment of any fee or other requirement under Section 17620 applied to that permanent residential structure.

(e) Notwithstanding any other provision of law, any school district that, on or after January 1, 1987, collected any fee, charge, dedication, or other form of requirement from any manufactured home, mobilehome, mobilehome park, or other development, shall immediately repay the fee, charge, dedication, or other form of requirement to the person or persons who made the payment to the extent the fee, charge, dedication, or other form of requirement collected would not have been authorized under subdivision (a). This subdivision shall not apply, however, to the extent that, pursuant to Section 16 of Article I of the California Constitution, it would impair the obligation of any contract entered into by any school district, on or before January 1, 1998.

(f) For purposes of this section, "manufactured home," "mobilehome," and "mobilehome park" have the meanings set forth in Sections 18007, 18008, and 18214, respectively, of the Health and Safety Code.

(g)(1) Whenever a manufactured home or a mobilehome owned by a person 55 years of age or older who is also a member of a lower income household as defined by Section 50079.5 of the Health and Safety Code, and which has been moved from a mobilehome park space located in one school district, where the mobilehome owner has resided, to a space or lot located in a mobilehome park or a subdivision, cooperative, or condominium for mobilehomes or manufactured homes located in another school district, is subject to any fee or other requirement under Section 17620, this section, and Chapter 4.9 (commencing with Section 65995) of Division 1 of Title 7 of the Government Code, the district in which the manufactured home or mobilehome has been newly located may waive the fee or other requirement under Section 53080, this section, and Chapter 4.9 (commencing with Section 65995) of Division 1 of Title 7 of the Government Code, or otherwise shall be required to grant the homeowner the necessary approval for occupancy of the home, and permission to pay the amount of the fee or other requirement thereafter, in installments, over a period totaling no less than 36 months. A school district may require that the installments be paid monthly, quarterly, or every six months during the 36-month period, and that the fee be secured as a lien perfected against the mobilehome or manufactured home pursuant to Section 18080.7 of the Health and Safety Code.

(2) Costs of filing the lien and reasonable late charges or interest may be added to the amount of the lien. This subdivision does not apply if a school facilities fee, charge, or other requirement is imposed pursuant to Section 65995.2 of the Government Code.

Added Stats 1996 ch 277 § 3 (SB 1562), operative January 1, 1998. Amended Stats 2006 ch 538 § 95 (SB 1852), effective January 1, 2007.

§ 17626. Reconstruction of structure damaged or destroyed in disaster

(a) A fee, charge, dedication, or other requirement authorized under Section 17620, whether or not allowable under Chapter 6 (commencing with Section 66010) of Division 1 of Title 7 of the Government Code, may not be applied to the reconstruction of any residential, commercial, or industrial structure that is damaged or destroyed as a result of a disaster, except to the extent the square footage of the reconstructed structure exceeds the square footage of the structure that was damaged or destroyed. That square footage comparison shall be made, in the case of a commercial or industrial structure, on the basis of chargeable covered and enclosed space, as defined in Section 65995 of the Government Code, or, in the case of a residential structure, on the basis of assessable space, as defined in Section 65995 of the Government Code.

(b) The following definitions apply for the purposes of this section:

(1) "Disaster" means a fire, earthquake, landslide, mudslide, flood, tidal wave, or other unforeseen event that produces material damage or loss.

(2) "Reconstruction" means the construction of property that replaces, and is equivalent in kind to, the damaged or destroyed property.

Added Stats 1996 ch 277 § 3 (SB 1562), operative January 1, 1998.

See Volume 2, Manufactured Homes-Miscellaneous Statutes, for additional statutes regarding manufactured homes installed outside of Mobilehome Parks. (i.e., Civil Code, Division 2, Part 1, Title 2, Chapter 2, Article 2, Section 714.5; Government Code, Title 7, Division 1, Chapter 4, Article 2, Sections 65852.3, 65852.4 and 65852.5)

GOVERNMENT CODE

TITLE 4 Government of Cities

Division 3 OFFICERS

Part 2 LEGISLATIVE BODY

Chapter 14 MUNICIPAL AND PUBLIC UTILITIES

Article 1 General

§ 39730. Separate metering

The legislative body shall require every residential unit in an apartment house or similar multiunit residential structure, condominium, and mobilehome park for which a building permit has been obtained on or after July 1, 1982, other than a dormitory or other housing accommodation provided by any postsecondary educational institution for its students or employees and other than farmworker housing, to be individually metered for electrical and gas service, except that separate metering for gas service is not required for residential units which are not equipped with gas appliances requiring venting or which receive the majority of energy used for water or space heating from a solar energy system or through cogeneration technology.

Added Stats 1981 ch 701 § 1.

TITLE 7 Planning and Land Use

Division 1 PLANNING AND ZONING

Chapter 4 ZONING REGULATIONS

Article 2 Adoption Of Regulations

§ 65852.3. Regulation of installation of manufactured homes; Exemptions

(a) A city, including a charter city, county, or city and county, shall allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on lots zoned for conventional single-family residential dwellings. Except with respect to architectural requirements, a city, including a charter city, county, or city and county, shall only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements. Any architectural requirements imposed on the manufactured home structure itself, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings. However, any architectural requirements for roofing and siding material shall not exceed those which would be required of conventional single-family dwellings constructed on the same lot. At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. In no case may a city, including a charter city, county, or city and county, apply any development standards that will have the effect of precluding manufactured homes from being installed as permanent residences.

(b) At the discretion of the local legislative body, any place, building, structure, or other object having a special character or special historical interest or value, and which is regulated by a legislative body pursuant to Section 37361, may be exempted from this section, provided the place, building, structure, or other object is listed on the National Register of Historic Places.

Added Stats 1965,ch. 1880, Amended Stats. 1994, ch 896, § 3. Effective January 1, 1995.

§ 65852.4. Application of local land use process or requirement to manufactured homes

A city, including a charter city, a county, or a city and county, shall not subject an application to locate or install a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on a lot zoned for a single-family residential dwelling, to any administrative permit, planning, or development process or requirement, which is not identical to the administrative permit, planning, or development process or requirement which would be imposed on a conventional single-family residential dwelling on the same lot. However, a city, including a charter city, county, or city and county, may require the application to comply with the city's, county's, or city and county's architectural requirements permitted by Section 65852.3 even if the architectural requirements are not required of conventional single-family residential dwellings.

Added Stats. 1988, ch. 1572, § 1.

§ 65852.5. Imposition of size requirements for roof overhang of manufactured home

Notwithstanding the provisions of Section 65852.3, no city, including a charter city, county, or city and county, may impose size requirements for a roof overhang of a manufactured home subject to the provisions of Section 65852. 3, unless the same size requirements also would be imposed on a conventional single-family residential dwelling constructed on the same lot. However, when there are no size requirements for roof overhangs for both manufactured homes and conventional single-family residential dwellings, a city, including a charter city, county, city and county, may impose a roof overhang on manufactured homes not to exceed 16 inches.

Added Stats 1990 ch 426 § 1 (AB 3385). Amended Stats. 1990, ch 1223, § 1.

§ 65852.7. Mobilehome park as permitted land use

A mobilehome park, as defined in Section 18214 of the Health and Safety Code, shall be deemed a permitted land use on all land planned and zoned for residential land use as designated by the applicable general plan; provided, however, that a city, county, or a city and county may require a use permit. For purposes of this section, "mobilehome park" also means a mobilehome development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code, and intended for use and sale as a mobilehome condominium or cooperative park, or as a mobilehome planned unit development. The provisions of this section shall apply to a city, including a charter city, a county, or a city and county.

Added Stats 1981 ch 974 § 2.

§ 65852.11. Restrictions on limiting duration of rental agreements or leases; Spaces contained in manufactured housing community and mobilehome parks as new construction

(a) No city or county, including a charter city, county, or city and county, which has adopted or enacted a local rent control ordinance for mobilehome park spaces, shall adopt or enforce any ordinance, rule, or regulation that prohibits or limits the duration of rental agreements or leases for any space contained within any manufactured housing community, as defined in Section 18801 of the Health and Safety Code, or within any mobilehome park, as defined in Section 18214 of the Health and Safety Code, that is new construction, if the enactment operates to circumvent the provisions of Section 798.7 of the Civil Code.

(b) As used in this section, "new construction" means:

(1) For mobilehome parks, any newly constructed space, pursuant to Section 798.7 of the Civil Code.

(2) For manufactured housing communities, any space initially held out for rent after January 1, 1993.

(c) A mobilehome park that is considered "new construction" pursuant to this section, and that complies with Section 18801 of the Health and Safety Code, may be converted to a manufactured housing community without losing its "new construction" designation.

Added Stats 1993 ch 858 § 2 (AB 2177).

§ 65863.7. Report of impact on conversion of mobilehome park to another use

(a) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, closure, or cessation of use on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs.

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 15 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (g) of Section 798.56 of the Civil Code.

(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

(f) If the closure or cessation of use of a mobilehome park results from the entry of an order for relief in bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8. Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(j) This section is applicable when the closure, cessation, or change of use is the result of a decision by an enforcement agency, as defined in Section 18207 of the Health and Safety Code, to suspend the permit to operate the mobilehome park. In this case, the mobilehome park owner is the person proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

Added Stats 1980 ch 879 § 2. Amended Stats 1985 ch 1260 § 1; Stats 1986 ch 190 § 2, effective June 25, 1986; Stats 1988 ch 171 § 2, ch 910 § 2; Stats 1990 ch 1572 § 11 (AB 3228); Stats 2004 ch 680 § 1 (AB 2581); Stats 2007 ch 596 § 4 (AB 382), effective January 1, 2008; Stats 2009 ch 500 § 47 (AB 1059), effective January 1, 2010.

§ 65863.8. Verification of notification by applicant for conversion of mobilehome park to another use

A local agency to which application has been made for the conversion of a mobilehome park to another use shall, at least 30 days prior to a hearing or any other action on the application, inform the applicant in writing of the provisions of Section 798.56 of the Civil Code and all applicable local requirements which impose upon the applicant a duty to notify residents and mobilehome owners of the mobilehome park of the proposed change in use, and shall specify therein the manner in which the applicant shall verify that residents and mobilehome owners of the mobilehome park have been notified of the proposed change in use. Neither a hearing on the application, nor any other action thereon, shall be taken by the local agency before the applicant has satisfactorily verified that the residents and mobilehome owners have been so notified, in the manner prescribed by law or local regulation.

Added Stats 1982 ch 1397 § 35. Amended Stats 1988 ch 910 § 3, operative until January 1, 1994; Stats 1993 ch 265 § 1 (SB 960).

Article 2.5. Development Agreements

§ 65865.5. Restrictions on entering into development agreement for property located within flood hazard zone; Effective date of amendments; Construction

(a) Notwithstanding any other law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of a city or county within the Sacramento-San Joaquin Valley shall not enter into a development agreement for property that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(4) The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents

are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) This section does not change or diminish existing requirements of local flood plain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

Added Stats 2007 ch 364 § 4 (SB 5), effective January 1, 2008. Amended Stats 2008 ch 179 § 111 (SB 1498), effective January 1, 2009; Stats 2012 ch 553 § 4 (SB 1278), effective January 1, 2013.

Chapter 4.9 PAYMENT OF FEES, CHARGES, DEDICATIONS, OR OTHER REQUIREMENTS AGAINST A DEVELOPMENT PROJECT

§ 65995. Limitations on imposition of developer fees

(a) Except for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication, or other requirement for the construction or reconstruction of school facilities may not be levied or imposed in connection with, or made a condition of, any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization, as defined in Section 56021 or 56073.

(b) Except as provided in Sections 65995.5 and 65995.7, the amount of any fees, charges, dedications, or other requirements authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), or both, may not exceed the following:

(1) In the case of residential construction, including the location, installation, or occupancy of manufactured homes and mobilehomes, one dollar and ninety-three cents ($1.93) per square foot of assessable space. “Assessable space,” for this purpose, means all of the square footage within the perimeter of a residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure, or similar area. The amount of the square footage within the perimeter of a residential structure shall be calculated by the building department of the city or county issuing the building permit, in accordance with the standard practice of that city or county in calculating structural perimeters. “Manufactured home” and “mobilehome” have the meanings set forth in subdivision (f) of Section 17625 of the Education Code. The application of any fee, charge, dedication, or other form of requirement to the location, installation, or occupancy of manufactured homes and mobilehomes is subject to Section 17625 of the Education Code.

(2) In the case of any commercial or industrial construction, thirty-one cents ($0.31) per square foot of chargeable covered and enclosed space. “Chargeable covered and enclosed space,” for this purpose, means the covered and enclosed space determined to be within the perimeter of a commercial or industrial structure, not including any storage areas incidental to the principal use of the construction, garage, parking structure, unenclosed walkway, or utility or disposal area. The determination of the chargeable covered and enclosed space within the perimeter of a commercial or industrial structure shall be made by the building department of the city or county issuing the building permit, in accordance with the building standards of that city or county. For the determination of chargeable fees to be paid to the appropriate school district in connection with any commercial or industrial construction under the jurisdiction of the Office of Statewide Health Planning and Development, the architect of record shall determine the chargeable covered and enclosed space within the perimeter of a commercial or industrial structure.

(3) The amount of the limits set forth in paragraphs (1) and (2) shall be increased in 2000, and every two years thereafter, according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting, which increase shall be effective as of the date of that meeting.

(c)(1) Notwithstanding any other provision of law, during the term of a contract entered into between a subdivider or builder and a school district, city, county, or city and county, whether general law or chartered, on or before January 1, 1987, that requires the payment of a fee, charge, or dedication for the construction of school facilities as a condition to the approval of residential construction, neither Section 17620 of the Education Code nor this chapter applies to that residential construction.

(2) Notwithstanding any other provision of state or local law, construction that is subject to a contract entered into between a person and a school district, city, county, or city and county, whether general law or chartered, after January 1, 1987, and before the operative date of the act that adds paragraph (3) that requires the payment of a fee, charge, or dedication for the construction of school facilities as a condition to the approval of construction, may not be affected by the act that adds paragraph (3).

(3) Notwithstanding any other provision of state or local law, until January 1, 2000, any construction not subject to a contract as described in paragraph (2) that is carried out on real property for which residential development was made subject to a condition relating to school facilities imposed by a state or local agency in connection with a legislative act approving or authorizing the residential development of that property after January 1, 1987, and before the operative date of the act adding this paragraph, shall be required to comply with that condition.

Notwithstanding any other provision of state or local law, on and after January 1, 2000, any construction not subject to a contract as described in paragraph (2) that is carried out on real property for which residential development was made subject to a condition relating to school facilities imposed by a state or local agency in connection with

a legislative act approving or authorizing the residential development of that property after January 1, 1987, and before the operative date of the act adding this paragraph, may not be subject to a fee, charge, dedication, or other requirement exceeding the amount specified in paragraphs (1) and (2) of subdivision (b), or, if a district has increased the limit specified in paragraph (1) of subdivision (b) pursuant to either Section 65995.5 or 65995.7, that increased amount.

(4) Any construction that is not subject to a contract as described in paragraph (2), or to paragraph (3), and that satisfies both of the requirements of this paragraph, may not be subject to any increased fee, charge, dedication, or other requirement authorized by the act that adds this paragraph beyond the amount specified in paragraphs (1) and (2) of subdivision (b).

(A) A tentative map, development permit, or conditional use permit was approved before the operative date of the act that amends this subdivision.

(B) A building permit is issued before January 1, 2000.

(d) For purposes of this chapter, "construction" means new construction and reconstruction of existing building for residential, commercial, or industrial. "Residential, commercial, or industrial construction" does not include any facility used exclusively for religious purposes that is thereby exempt from property taxation under the laws of this state, any facility used exclusively as a private full–time day school as described in Section 48222 of the Education Code, or any facility that is owned and occupied by one or more agencies of federal, state, or local government. In addition, "commercial or industrial construction" includes, but is not limited to, any hotel, inn, motel, tourist home, or other lodging for which the maximum term of occupancy for guests does not exceed 30 days, but does not include any residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code.

(e) The Legislature finds and declares that the financing of school facilities and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities are matters of statewide concern. For this reason, the Legislature hereby occupies the subject matter of requirements related to school facilities levied or imposed in connection with, or made a condition of, any land use approval, whether legislative or adjudicative act, or both, and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities, to the exclusion of all other measures, financial or nonfinancial, on the subjects. For purposes of this subdivision, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(f) Nothing in this section shall be interpreted to limit or prohibit the use of Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 to finance the construction or reconstruction of school facilities. However, the use of Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 may not be required as a condition of approval of any legislative or adjudicative act, or both, if the purpose of the community facilities district is to finance school facilities.

(g) (1) The refusal of a person to agree to undertake or cause to be undertaken an act relating to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5, including formation of, or annexation to, a community facilities district, voting to levy a special tax, or authorizing another to vote to levy a special tax, may not be a factor when considering the approval of a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, if the purpose of the community facilities district is to finance school facilities.

(2) If a person voluntarily elects to establish, or annex into, a community facilities district and levy a special tax approved by landowner vote to finance school facilities, the present value of the special tax specified in the resolution of formation shall be calculated as an amount per square foot of assessable space and that amount shall be a credit against any applicable fee, charge, dedication, or other requirement for the construction or reconstruction of school facilities. For purposes of this paragraph, the calculation of present value shall use the interest rate paid on the United States Treasury's 30–year bond on the date of the formation of, or annexation to, the community facilities district, as the capitalization rate.

(3) For purposes of subdivisions (f), (h), and (i), and this subdivision, "school facilities" means any school–related consideration relating to a school district's ability to accommodate enrollment.

(h) The payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if applicable, any amounts specified in Section 65995.5 or 65995.7 are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.

(i) A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable.

Added Stats 1986 ch 887 § 11. Amended Stats 1988 ch 29 § 3, effective March 14, 1988; Stats 1989 ch 1209 § 25, effective October 1, 1989; Stats 1992 ch 1354 § 3 (SB 1287), inoperative January 1, 1993, operative November 2, 1993; Stats 1998 ch 407 § 19 (SB 50), effective August 27, 1998, operative November 4, 1998; Stats 2010 ch 541 § 3 (AB 2048).

§ 65995.2. Limitation of fees on homes in mobilehome parks with residence confined to older persons

(a) Notwithstanding any other provision of law, the imposition of any fee, charge, dedication, or other requirement authorized under Section 53080, or Chapter 4.7 (commencing with Section 65970), or both, against any manufactured home or mobilehome that is located within a mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, in which residence is limited to older persons, as defined pursuant to the federal Fair Housing Amendments Act of 1988, is subject to the limits and conditions that are applicable under subdivision (b) of Section 65995 in the case of commercial and industrial development.

(b) Any mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, in which school facilities fees, charges, dedications, or other requirements have been imposed against one or more manufactured homes or mobilehomes in accordance with the limit set forth in subdivision (a) may subsequently choose to permit the residence of persons other than older persons, in which event it shall so notify the appropriate school district and city or county. As a condition of the first sale, subsequent to that notification, of each manufactured home or mobilehome in the mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, payment shall be made to the school district in the amount of the school facilities fee or other requirement applied by the district under Section 53080, or Chapter 4.7 (commencing with Section 65970), or both, to residential development as of the date of that sale, less the amount of any school facilities fees, charges, dedications, or other requirements imposed against that manufactured home or mobilehome in accordance with the limits described in subdivision (a). Any prospective purchaser of a manufactured home or mobilehome that is subject to the requirement set forth in this subdivision shall be given written notice of the existence of that requirement by the seller prior to entering into any contract for that purchase.

(c) Compliance on the part of any manufactured home or mobilehome with any additional fee or other requirement applied by the school district pursuant to subdivision (b), and certification by the appropriate school district of that compliance, shall be required as a condition of the following, as applicable:

(1) The close of escrow of the first sale of the manufactured home or mobilehome following the notice required by subdivision (b), where the manufactured home or mobilehome is to be located, installed, or occupied in a mobilehome park that has chosen to permit the residence of persons other than older persons pursuant to subdivision (b) and the sale or transfer of the manufactured home or mobilehome is subject to escrow as provided in Section 18035 or 18035.2 of the Health and Safety Code.

(2) The approval of the manufactured home or mobilehomes for initial occupancy pursuant to Section 18551 or 18613 of the Health and Safety Code following the notice required by subdivision (b), where the manufactured home or mobilehome is to be located, installed, or occupied in a mobilehome park that has chosen to permit the residence of persons other than older persons pursuant to subdivision (b), in the event that paragraph (1) does not apply.

Added Stats 1989 ch 1209 § 27, effective October 1, 1989.

Division 2 SUBDIVISIONS

Chapter 2 MAPS

Article 1 General Provisions

§ 66427.4. Conversion of mobilehome park; Impact report

(a) At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park or floating home marina to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park or floating home marina to be converted. In determining the impact of the conversion on displaced mobilehome park or floating home marina residents, the report shall address the availability of adequate replacement space in mobilehome parks or floating home marinas.

(b) The subdivider shall make a copy of the report available to each resident of the mobilehome park or floating home marina at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(c) The legislative body, or an advisory agency ~~which~~ that is authorized by local ordinance to approve, conditionally approve, or disapprove the map, may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park or floating home marina residents to find adequate space in a mobilehome park or floating home marina, respectively.

(d) This section establishes a minimum standard for local regulation of conversions of mobilehome parks and floating home marinas into other uses and shall not prevent a local agency from enacting more stringent measures.

(e) This section shall not be applicable to a subdivision ~~which~~ that is created from the conversion of a rental mobilehome park or rental floating home marina to resident ownership.

Added Stats 1982 ch 983 § 2, operative January 1, 1989. Amended Stats 1991 ch 745 § 1 (AB 1863); Stats 1995 ch 256 § 4 (SB 310); Stats 2013 ch 432 § 3 (AB 253), effective January 1, 2014.

§ 66427.5. Economic displacement of nonpurchasing residents

At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, the subdivider shall avoid the economic displacement of all nonpurchasing residents in the following manner:

(a) The subdivider shall offer each existing tenant an option to either purchase his or her condominium or subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant.

(b) The subdivider shall file a report on the impact of the conversion upon residents of the mobilehome park to be converted to resident owned subdivided interest.

(c) The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(d)(1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.

(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.

(3) The survey shall be obtained pursuant to a written ballot.

(4) The survey shall be conducted so that each occupied mobilehome space has one vote.

(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered ~~as part of the subdivision map hearing prescribed by subdivision (e)~~ in the agency's decision as to whether to approve, conditionally approve, or disapprove the map, and the agency may disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the park's homeowners.

(6) Local legislative bodies may, by ordinance or resolution, implement the requirements of this subdivision.

(e) The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.

(f) The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:

(1) As to nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four–year period.

(2) As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

Added Stats 1991 ch 745 § 2 (AB 1863). Amended Stats 1995 ch 256 § 5 (SB 310); Stats 2002 ch 1143 § 1 (AB 930); Stats 2013 ch 373 § 1 (SB 510), effective January 1, 2014.

§ 66427.6. Avoidance of economic displacement of nonpurchasing residents

At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental floating home marina to resident ownership, the subdivider shall avoid the economic displacement of all nonpurchasing residents in the following manner:

(a) The subdivider shall offer each existing tenant an option to either purchase his or her condominium or subdivided unit, which is to be created by the conversion of the marina to resident ownership, or to continue residency as a tenant.

(b) The subdivider shall file a report on the impact of the conversion upon residents of the floating home marina to be converted to a resident-owned subdivided interest.

(c) The subdivider shall make a copy of the report available to each resident of the floating home marina at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(d)(1) The subdivider shall obtain a survey of support of residents of the floating home marina for the proposed conversion.

(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or floating home marina owner.

(3) The survey shall be obtained pursuant to a written ballot.

(4) The survey shall be conducted so that each occupied floating home berth has one vote.

(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered in the agency's decision as to whether to approve, conditionally approve, or disapprove the map, and the agency may disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the marina's homeowners.

(6) Local legislative bodies may enact local regulations to implement the requirements of this subdivision.

(e) The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.

(f) The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:

(1) As to nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period.

(2) As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that the monthly rent shall not be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

Added Stats 2013 ch 432 § 4 (AB 253), effective January 1, 2014.

§ 66428.1. Waiver of requirement for parcel map or tentative and final map

(a) When at least two-thirds of the owners of mobilehomes or floating homes who are tenants in the mobilehome park or floating home marina sign a petition indicating their intent to purchase the mobilehome park or the floating home marina for purposes of converting it to resident ownership, and a field survey is performed, the requirement for a parcel map or a tentative and final map shall be waived unless any of the following conditions ~~exist~~ exists:

(1) There are design or improvement requirements necessitated by significant health or safety concerns.

(2) The local agency determines that there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map.

(3) The existing parcels ~~which~~ that exist prior to the proposed conversion were not created by a recorded parcel or final map.

(4) The conversion would result in the creation of more condominium units or interests than the number of tenant lots ~~or~~, spaces, or floating home berths that exist prior to conversion.

(b) The petition signed by owners of mobilehomes in a mobilehome park proposed for conversion to resident ownership pursuant to subdivision (a) shall read as follows:

MOBILEHOME PARK PETITION AND DISCLOSURE STATEMENT

SIGNING THIS PETITION INDICATES YOUR SUPPORT FOR CONVERSION OF THIS MOBILEHOME PARK TO RESIDENT OWNERSHIP. THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____. THE TOTAL COST FOR CONVERSION AND PURCHASE OF THE PARK IS $_____TO $_____, EXCLUDING FINANCING COSTS. THE TOTAL COST TO YOU FOR CONVERSION AND PURCHASE OF YOUR OWNERSHIP INTEREST IS $_____ TO $_____ , EXCLUDING FINANCING COSTS. IF TWO–THIRDS OF THE RESIDENTS IN THIS PARK SIGN THIS PETITION INDICATING THEIR INTENT TO PURCHASE THE MOBILEHOME PARK FOR PURPOSES OF CONVERTING IT TO RESIDENT OWNERSHIP, THEN THE REQUIREMENTS FOR A NEW PARCEL, OR TENTATIVE AND FINAL SUBDIVISION MAP IN COMPLIANCE WITH THE SUBDIVISION MAP ACT MUST BE WAIVED, WITH CERTAIN VERY LIMITED EXCEPTIONS. WAIVING THESE PROVISIONS OF LAW ELIMINATES NUMEROUS PROTECTIONS WHICH ARE AVAILABLE TO YOU.

_____ _____

Buyer, unit #, date Petitioner, date

(c) The petition signed by owners of floating homes in a floating home marina proposed for conversion to resident ownership pursuant to subdivision (a) shall read as follows:

FLOATING HOME MARINA PETITION AND DISCLOSURE STATEMENT

SIGNING THIS PETITION INDICATES YOUR SUPPORT FOR CONVERSION OF THIS FLOATING HOME MARINA TO RESIDENT OWNERSHIP. THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____. THE TOTAL COST FOR CONVERSION AND PURCHASE OF THE PARK IS $_____ TO $_____, EXCLUDING FINANCING COSTS. THE TOTAL COST TO YOU FOR CONVERSION AND PURCHASE OF YOUR OWNERSHIP INTEREST IS $_____TO $_____, EXCLUDING FINANCING COSTS. IF TWO-THIRDS OF THE RESIDENTS IN THIS MARINA SIGN THIS PETITION INDICATING THEIR INTENT TO PURCHASE THE FLOATING HOME MARINA FOR PURPOSES OF CONVERTING IT TO RESIDENT OWNERSHIP, THEN THE REQUIREMENTS FOR A NEW PARCEL, OR TENTATIVE AND FINAL SUBDIVISION MAP IN COMPLIANCE WITH THE SUBDIVISION MAP ACT MUST BE WAIVED, WITH CERTAIN VERY LIMITED EXCEPTIONS. WAIVING THESE PROVISIONS OF LAW ELIMINATES NUMEROUS PROTECTIONS WHICH ARE AVAILABLE TO YOU.

_____ _____
Buyer, unit #, date Petitioner, date

~~(c)~~ (d) The local agency shall provide an application for waiver pursuant to this section. After the waiver application is deemed complete pursuant to Section 65943, the local agency shall approve or deny the application within 50 days. The applicant shall have the right to appeal that decision to the governing body of the local agency.

~~(d)~~ (e) If a tentative or parcel map is required, the local agency shall not impose any offsite design or improvement requirements unless these are necessary to mitigate an existing health or safety condition. No other dedications, improvements, or in–lieu fees shall be required by the local agency. In no case shall the mitigation of a health or safety condition have the effect of reducing the number, or changing the location, of existing mobilehome spaces or floating home marina berths.

~~(e)~~ (f) If the local agency imposes requirements on an applicant to mitigate a health or safety condition, the applicant and the local agency shall enter into an unsecured improvement agreement. The local agency shall not require bonds or other security devices pursuant to Chapter 5 (commencing with Section 66499) for the performance of that agreement. The applicant shall have a period of one year from the date the agreement was executed to complete those improvements.

~~(f)~~ (g) If the waiver application provided for in this section is denied by the local agency pursuant to the provisions of subdivision (a), the applicant may proceed to convert the mobilehome park or the floating home marina to a tenant–owned condominium ownership interest, but shall file a parcel map or a tentative and final map. The local agency may not require the applicant to file and record a tentative and final map unless the conversion creates five or more parcels shown on the map. The number of condominium units or interests created by the conversion shall not determine whether the filing of a parcel or a tentative and final map shall be required.

~~(g)~~ (h) For the purposes of this section, the meaning of “resident ownership” shall be as defined in Section 50781 of the Health and Safety Code.

Added Stats 1991 ch 745 § 4 (AB 1863). Amended Stats 2013 ch 432 § 5 (AB 253), effective January 1, 2014.

HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 2.5 STATE BUILDING STANDARDS

Chapter 1 GENERAL PROVISIONS AND DEFINITIONS

Article 2 Definitions

§ 18909. "Building standard"

(a) "Building standard" means any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, that specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.

(b) Except as provided in subdivision (d), "building standard" includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.

(c) "Building standard" includes a regulation or rule relating to the implementation or enforcement of a building standard not otherwise governed by statute, but does not include the adoption of procedural ordinances by a city or other public agency relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

(d) "Building standard" does not include any safety regulations that any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating, including, but not limited to, warehousing and food processing operations, but not including safety regulations relating to permanent appendages, accessories, apparatus, appliances, and equipment attached to the building as a part thereof, as determined by the commission.

(e) "Building standard" does not include temporary scaffoldings and similar temporary safety devices and procedures that are used in the erection, demolition, moving, or alteration of buildings.

(f) "Building standard" does not include any regulation relating to the internal management of a state agency.

(g) "Building standard" does not include any regulation, rule, order, or standard that pertains to mobilehomes, manufactured homes, commercial coaches, special purpose commercial coaches, or recreational vehicles.

(h) "Building standard" does not include any regulation, rule, or order or standard that pertains to a mobilehome park, as defined by Section 18214, or special occupancy park, as defined by Section 18862.43, except that "building standard" includes the construction of permanent buildings and plumbing, electrical, and fuel gas equipment and installations within permanent buildings in a mobilehome park or special occupancy park. For purposes of this subdivision, "permanent building" means any permanent structure constructed in the mobilehome park or special occupancy park that is a permanent facility under the control and ownership of the park operator.

(i) "Building standard" does not include any regulation, rule, order, or standard that pertains to mausoleums regulated under Part 5 (commencing with Section 9501) of Division 8.

(j) "Building standard" does not include any regulation adopted by the California Integrated Waste Management Board, the Department of Toxic Substances Control, the Occupational Safety and Health Standards Board, or the State Water Resources Control Board concerning the discharge of waste to land or the treatment, transfer, storage, resource recovery, disposal, or recycling of the waste.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 817 § 1; Stats 1984 ch 458 § 1, effective July 17, 1984; Stats 1987 ch 1053 § 4; Stats 1988 ch 1632 § 1; Stats 1989 ch 952 § 1; Stats 1992 ch 897 § 5 (AB 3515); Stats 1993 ch 663 § 2 (AB 54); Stats 2002 ch 1124 § 32 (AB 3000), effective September 30, 2002; Stats 2006 ch 890 § 9 (SB 286), effective January 1, 2007.

PUBLIC UTILITIES CODE

Division 1 REGULATION OF PUBLIC UTILITIES

Part 1 PUBLIC UTILITIES ACT

Chapter 4 REGULATION OF PUBLIC UTILITIES

Article 2 Rates

§ 739.5. Master meter and submeter service; Uniform rates; Public safety customer services; Maintenance and repair; Itemized bill; Posting of specific current residential gas or electrical rate schedule; Notification of responsibilities; Response to complaints; Eligibility for CARE program

(a) The commission shall require that, whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate that would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation. The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level that will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the service.

(b) Every master-meter customer of a gas or electrical corporation subject to subdivision (a) who, on or after January 1, 1978, receives any rebate from the corporation shall distribute to, or credit to the account of, each current user served by the master-meter customer that portion of the rebate which the amount of gas or electricity, or both, consumed by the user during the last billing period bears to the total amount furnished by the corporation to the master-meter customer during that period.

(c) An electrical or gas corporation furnishing service to a master-meter customer shall furnish to each user of the service within a submetered system every public safety customer service which it provides beyond the meter to its other residential customers. The corporation shall furnish a list of those services to the master-meter customer who shall post the list in a conspicuous place accessible to all users. Every corporation shall provide these public safety customer services to each user of electrical or gas service under a submetered system without additional charge unless the corporation has included the average cost of these services in the rate differential provided to the master-meter customer on January 1, 1984, in which case the commission shall deduct the average cost of providing these public safety customer services when approving rate differentials for master-meter customers.

(d) Every master-meter customer is responsible for maintenance and repair of its submeter facilities beyond the master-meter, and nothing in this section requires an electrical or gas corporation to make repairs to or perform maintenance on the submeter system.

(e) Every master-meter customer shall provide an itemized billing of charges for electricity or gas, or both, to each individual user generally in accordance with the form and content of bills of the corporation to its residential customers, including, but not limited to, the opening and closing readings for the meter, and the identification of all rates and quantities attributable to each block in the applicable rate structure. The master-meter customer shall also post, in a conspicuous place, the applicable specific current residential gas or electrical rate schedule, as published by the corporation, or the corporation's Internet Web site address of the specific current residential gas or electrical rate schedule. If the master-meter customer elects to post the Internet Web site address where the schedule may be accessed, the master-meter customer shall also: (1) provide a copy of the specific current residential gas or electrical rate schedule, upon request, at no cost; and (2) state in the posting that an individual user may request a copy of the rate schedule from the master-meter customer.

(f) The commission shall require that every electrical and gas corporation shall notify each master-meter customer of its responsibilities to its users under this section.

(g) The commission shall accept and respond to complaints concerning the requirements of this section through the consumer affairs branch, in addition to any other staff that the commission deems necessary to assist the complainant. In responding to the complaint, the commission shall consider the role that the office of the county sealer in the complainant's county of residence may have in helping to resolve the complaint and, where appropriate, coordinate with that office.

(h) Notwithstanding any other provision of law or decision of the commission, the commission shall not deny eligibility for the California Alternative Rates for Energy (CARE) program, created pursuant to Section 739.1, for a residential

user of gas or electric service who is a submetered resident or tenant served by a master-meter customer on the basis that some residential units in the master-meter customer's mobilehome park, apartment building, or similar residential complex do not receive gas or electric service through a submetered system.

(i) For purposes of this section, "rebate" does not include the award of a monetary incentive under the California Solar Initiative adopted by the Public Utilities Commission in Decision 05-12-044 and Decision 06-01-024, as modified by Article 1 (commencing with Section 2851) of Chapter 9 of Part 2, for a solar energy system that provides electrical generation to a mobilehome park.

Added Stats 2013, ch 201. § 2. Effective January 1, 2014.

Article 3 Equipment, Practices, And Facilities

§ 777. Duties with respect to non-subscriber residential users

(a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an electrical, gas, heat, or water corporation furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, as defined in Section 17008 of the Health and Safety Code, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the corporation shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account. The notice shall be in English and in the languages listed in Section 1632 of the Civil Code.

(c) The corporation is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the corporation's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the corporation, or if there is a physical means, legally available to the corporation, of selectively terminating service to those residential occupants who have not met the requirements of the corporation's rules and tariffs, the corporation shall make service available to those residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the corporation, residence and proof of prompt payment of rent or other credit obligation acceptable to the corporation for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the corporation pursuant to this section whose periodic payments, such as rental payments, include charges for residential electrical, gas, heat, or water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the corporation for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the corporation may do any of the following:

(1) Give notice of termination at least seven days prior to the proposed termination, notwithstanding the notice period specified in subdivision (a).

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

(g) This section shall become operative on July 1, 2010.

Added Stats 2009 ch 560 § 2.5 (SB 120), effective January 1, 2010, operative July 1, 2010.

§ 777.1. Duties of corporation furnishing service to residence through master meter

(a) If an electrical, gas, heat, or water corporation furnishes residential service to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, as defined in Section 17008 of the Health and Safety Code, and the owner, manager, or operator of the structure or park is listed by the corporation as the customer of record, the corporation shall make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the corporation shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account. The notice also shall specify, in plain language, what the residential occupants are required to do in order to prevent the termination of, or to reestablish service; the estimated monthly cost of service; the title, address, and telephone

number of a representative of the corporation who can assist the residential occupants in continuing service; and the address and telephone number of a qualified legal services project, as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association. The notice shall be in English and the languages listed in Section 1632 of the Civil Code.

(b) The corporation is not required to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to the terms and conditions of service and meets the requirements of law and the corporation's rules and tariffs. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the satisfaction of the corporation, or if there is a physical means, legally available to the corporation, of selectively terminating service to those residential occupants who have not met the requirements of the corporation's rules and tariffs or for whom the representative of the residential occupants is not responsible, the corporation shall make service available to those residential occupants who have met those requirements or on whose behalf those requirements have been met.

(c) If prior service for a period of time or other demonstration of credit worthiness is a condition for establishing credit with the corporation, residence and proof of prompt payment of rent or other credit obligation during that period of time acceptable to the corporation is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the corporation pursuant to this section whose periodic payments, such as rental payments, include charges for residential electrical, gas, heat, or water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the corporation for those services during the preceding payment period.

(e) If a corporation furnishes residential service subject to subdivision (a), the corporation shall not terminate that service in any of the following situations:

(1) During the pendency of an investigation by the corporation of a customer dispute or complaint.

(2) If the customer has been granted an extension of the period for payment of a bill.

(3) For an indebtedness owed by the customer to any other person or corporation or if the obligation represented by the delinquent account or other indebtedness was incurred with a person or corporation other than the electrical, gas, heat, or water corporation demanding payment therefor.

(4) If a delinquent account relates to another property owned, managed, or operated by the customer.

(5) If a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

(f) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the residential occupant or the representative of the residential occupants may commence an action for the recovery of all of the following:

(1) Reasonable costs and expenses incurred by the residential occupant or the representative of the residential occupants related to restoration of service.

(2) Actual damages related to the termination of service.

(3) Reasonable attorney's fees of the residential occupants, the representative of the residential occupants, or each of them, incurred in the enforcement of this section, including, but not limited to, enforcement of a lien.

(g) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the corporation may commence an action for the recovery of all of the following:

(1) Delinquent charges accruing prior to the expiration of the notice prescribed by subdivision (a).

(2) Reasonable costs incurred by the corporation related to the restoration of service.

(3) Reasonable attorney's fees of the corporation incurred in the enforcement of this section or in the collection of delinquent charges, including, but not limited to, enforcement of a lien.

If the court finds that the owner, manager, or operator has paid the amount in arrears prior to termination, the court shall allow no recovery of any charges, costs, damages, expenses, or fees under this subdivision from the owner, manager, or operator.

An abstract of any money judgment entered pursuant to subdivision (f) or (g) of this section shall be recorded pursuant to Section 697.310 of the Code of Civil Procedure.

(h) No termination of service subject to this section may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge to the residential occupants or customer for the restoration of the service. In the event of a wrongful termination by the corporation, the corporation shall, in addition, be liable to the residential occupants or customer for actual damages resulting from the termination and for the costs of enforcement of this section, including, but not limited to, reasonable attorney's fees, if the residential occupants or the representative of the residential occupants made a good faith effort to have the service continued without interruption.

(i) The commission shall adopt rules and orders necessary to implement this section and shall liberally construe this section to accomplish its purpose of ensuring that service to residential occupants is not terminated due to nonpayment by the customer unless the corporation has made every reasonable effort to continue service to the residential occupants. The rules and orders shall include, but are not limited to, reasonable penalties for a violation of this section, guidelines for assistance to residents in the enforcement of this section, and requirements for the notice

prescribed by subdivision (a), including, but not limited to, clear wording, large and boldface type, and comprehensive instructions to ensure full notice to the resident.

(j) Nothing in this section broadens or restricts any authority of a local agency that existed prior to January 1, 1989, to adopt an ordinance protecting a residential occupant from the involuntary termination of residential public utility service.

(k) This section preempts any statute or ordinance permitting punitive damages against any owner, manager, or operator on account of an involuntary termination of residential public utility service or permitting the recovery of costs associated with the formation, maintenance, and termination of a tenants' association.

(l) For purposes of this section, "representative of the residential occupants" does not include a tenants' association.

Added Stats 1988 ch 1533 § 2. Amended Stats 1989 ch 1360 § 131; Stats 2009 ch 560 § 3 (SB 120), effective January 1, 2010; Stats 2010 ch 328 § 201 (SB 1330).

§ 780.5. Separate metering

The commission shall require every residential unit in an apartment house or similar multiunit residential structure, condominium, and mobilehome park for which a building permit has been obtained on or after July 1, 1982, other than a dormitory or other housing accommodation provided by any postsecondary educational institution for its students or employees and other than farmworker housing, to be individually metered for electrical and gas service, except that separate metering for gas service is not required for residential units which are not equipped with gas appliances requiring venting or are equipped with only vented decorative appliances or which receive the majority of energy used for water or space heating from a solar energy system or through cogeneration technology.

Added Stats 1981 ch 701 § 3. Amended Stats 2004 ch 694 § 11 (SB 1891).

Part 2 SPECIFIC PUBLIC UTILITIES

Chapter 2 WATER COMPANIES

§ 2705.5. Supplier to mobilehome park or residential complex not public utility; Conditions

Any person or corporation, and their lessees, receivers, or trustees appointed by any court, that maintains a mobilehome park or a multiple unit residential complex and provides, or will provide, water service to users through a submeter service system is not a public utility and is not subject to the jurisdiction, control, or regulation of the commission if each user of the submeter service system is charged at the rate which would be applicable if the user were receiving the water directly from the water corporation.

Added Stats 1983 ch 339 § 1. Amended Stats 1984 ch 144 § 168.

§ 2705.6. Mobilehome park as supplier of water to its own tenants; Rate complaints

(a)(1) A mobilehome park that provides water service only to its tenants from water supplies and facilities that it owns, not otherwise dedicated to public service, is not a water corporation. However, if a complaint is filed with the commission by tenants of the mobilehome park that represent 10 percent or more of the park's water service connections during any 12-month period, claiming that the water rates charged by the park are not just and reasonable or that the service is inadequate, the commission shall have jurisdiction to determine the merits of the complaint and shall determine, based on all the facts and circumstances, whether the rates charged are just and reasonable and whether the service provided is adequate.

(2) The numerical threshold of persons may include former or current tenants, or both.

(3) A person shall not file a complaint against a mobilehome park pursuant to paragraph (1) if that person has not resided in that mobilehome park within the last five years.

(b) Complaints filed pursuant to subdivision (a) are subject to this code and to the Rules of Practice and Procedure of the commission governing complaints and commission investigations.

(c)(1) A mobilehome park, as described in subdivision (a), shall provide written notice to each of the mobilehome park's tenants to inform those tenants of their right to, and how to, file a complaint with the commission about the water rates charged or the service provided by the mobilehome park. With respect to the notice, the mobilehome park shall do all of the following:

(A) Provide the notice to new tenants at the time the tenants establish residence within the mobilehome park.

(B) Provide the notice to tenants each time the mobilehome park changes water rates or service.

(2)(A) Notwithstanding any other law, the notice provided by a mobilehome park pursuant to paragraph (1) shall be written in English, the languages set forth in subdivision (b) of Section 1632 of the Civil Code, and the language or languages of primary communication with the residents receiving the notice.

(B) The commission shall prepare and make available on its Internet Web site an approved notice in English and the languages set forth in subdivision

(b) of Section 1632 of the Civil Code. In providing notice pursuant to paragraph (1), a mobilehome park shall use the then-current language made available by the commission pursuant to this subparagraph.

(3) A mobilehome park that fails to provide the notice required by this subdivision shall be subject to the penalties established in Section 2111.

(d) The commission may afford rate relief or may order the mobilehome park to improve its water supply, facilities, and services on those terms that it finds just and reasonable, or both.

(e) If the commission finds, after investigation, that the mobilehome park has charged an unjust or unreasonable rate in violation of this section subsequent to December 31, 2012, the commission shall order the mobilehome park to reimburse the complainants and any other current and former tenants affected by the rate, if no discrimination will result from the reimbursement. Reimbursement shall be calculated from the first date of collection of the unjust or unreasonable rate, with interest. The commission shall not make an order for the payment of reimbursement upon the ground of unjustness or unreasonableness if the rate in question has been previously declared by formal finding of the commission to be reasonable. The commission shall not recognize the assignment of a reimbursement claim except assignments by operation of law as in cases of death, insanity, bankruptcy, receivership, or order of court.

(f) The public advisor created pursuant to Section 321 and necessary staff of the commission shall assist the complainants.

Added Stats 1995 ch 689 § 1 (SB 585). Amended Stats 2012 ch 539 § 2 (AB 1830), effective January 1, 2013.

Chapter 6.5 TRANSFER OF FACILITIES IN MASTER–METERED MOBILEHOME PARKS AND MANUFACTURED HOUSING COMMUNITIES TO GAS OR ELECTRIC CORPORATION OWNERSHIP

§ 2791. General provisions; Costs

(a) The owner of a master–metered mobilehome park or manufactured housing community that provides gas or electric service to residents may transfer ownership and operational responsibility to the gas or electric corporation providing service in the area in which the park or community is located pursuant to this chapter, or as the park or community owner and the serving gas or electric corporation mutually agree.

(b) Costs, including both costs related to transfer procedures and costs related to construction, related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the park or community residents. Costs related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the gas or electric corporation, except as otherwise provided in this chapter.

(c) Residents of mobilehome parks and manufactured housing communities constructed after January 1, 1997, shall be individually metered and served by gas and electric distribution facilities owned, operated, and maintained by the gas or electric corporation providing the service in the area where the new park or community is located consistent with the commission' s orders regarding unbundling, aggregation, master–metering, and selection of suppliers by residential customers. Each gas and electric corporation shall cooperate with the owner of any park or community constructed after January 1, 1997, to ensure timely and expeditious installation of the gas and electric distribution system and to eliminate any delay in the design, construction, permitting, and operation of the gas and electric system in the park or community.

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2792. Cost estimates

(a) Upon receipt of a written notice of intent to transfer from the mobilehome park or manufactured housing community owner, the gas or electric corporation shall within 90 days do all of the following:

(1) Meet with the park or community owner to describe the procedures involved in a transfer of ownership and operation responsibility.

(2) Perform a preliminary review of the gas or electric system, or both, in the park or community.

(3) Inspect documentation provided by the park or community owner of the construction, operation, and condition of the gas or electric system, or both.

(4) Advise the park or community owner concerning the general condition of the plant and equipment, along with a preliminary opinion concerning the extent of construction work or other activity necessary to comply with Section 2794.

(5) Offer a preliminary nonbinding estimate of the cost of transfer.

(6) Offer the park or community owner a preliminary nonbinding cost estimate to perform an engineering evaluation and estimate the construction work and equipment replacement to be performed by the gas or electric corporation at the owner's expense.

(b) The gas or electric corporation shall develop the cost estimate for the engineering evaluation in good faith using the same methodology as is used for similar projects. The preliminary cost estimate shall be effective for a minimum of 90 days. The gas or electric corporation shall give the owner timely notice of any increase in the estimated cost of the engineering evaluation.

(c) During 1997, gas and electric corporations shall make a good faith effort to respond within 90 days to the notice provided in subdivision (a).

(d) The gas or electric corporation may charge a fee for the initial inspection not to exceed one hundred fifty dollars ($150).

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2793. Proposals

(a) Upon receipt from the park or community owner of a deposit representing the gas or electric corporation's estimated cost of the engineering evaluation, the gas or electric corporation shall, within 90 days, do all of the following:

(1) Develop an engineering plan for bringing the gas or electric system to the standard described in Section 2794, incorporating all relevant documentation including plans, drawings, engineering studies, and other existing documentation provided by the park or community owner, and considering incorporation of all portions of the gas or electric system found to be used, useful, and compatible.

(2) Develop an appraisal of the value to the gas or electric corporation of the physical plant and equipment found to be used, useful, and compatible that comprise the gas or electric system, or both, to be transferred, including an estimate of the remaining useful life of the gas or electric system. The value to the gas or electric corporation shall take into consideration the expenditures by the park or community owner to comply with the criteria established in Section 2794.

(3) Present a proposal, in sufficient detail to serve as a bid document for the transfer of ownership of the system to the gas or electric corporation.

(b) The proposal may be based on either of the following approaches or as the park or community owner and the gas or electric corporation mutually agree:

(1) The park or community owner is responsible for all construction and equipment replacement activity, if any, at the park or community owner's expense less any credits or allowances, if any, including credits or allowances based on incremental increases in the gas or electric corporation's revenues associated with the park or community owner's investment in the gas or electric system. The construction and equipment replacement and the credits and allowances shall be based on the principles established in the gas or electric corporation's line and service extension rules, if applicable.

(2) The gas or electric corporation shall pay the park or community owner for the appraised value to the gas or electric corporation of any gas or electric distribution facilities found to be used, useful, and compatible. If any new facilities are necessary, the park or community owner shall be responsible for the costs of the excavation, installation of substructures, conduit and meter panels, and surface repairs. Except as provided in paragraph (4) of subdivision (c), the gas or electric corporation shall be responsible for the costs of any additional construction and equipment replacement, including cabling and transformers.

(c) The proposal shall include the following:

(1) A description of construction and equipment replacement activity, if any, to be accomplished at the park or community owner's expense.

(2) Requirements for any additional provisions or rights for the construction or maintenance of public utility facilities on park or community premises, including easements and rights-of-way acceptable to the gas or electric corporation.

(3) Any specific requirements or costs, or both, with respect to the presence of used and useful materials or equipment that are nonstandard, including, but not limited to, inventory requirements, specialized equipment requirements, or specialized personnel or training.

(4) Any specific requirements or costs, or both, with respect to the presence of exceptional construction conditions or operation and maintenance conditions.

(d) If the actual cost of the engineering evaluation is greater than the gas or electric corporation estimate, the park or community owner shall pay the gas or electric corporation the difference within 30 days of receipt of notice. If the actual cost of the engineering evaluation is less than the deposit, the gas or electric corporation shall pay the park or community owner the difference within 30 days. The content of the proposal shall become the property of the park or community owner.

(e) Within 90 days of receipt of the proposal for transfer of ownership, a park or community owner may do any of the following:

(1) Present objections to the gas or electric corporation in writing for resolution and may require mediation of the commission if the parties are unable to resolve the objection.

(2) Decline to proceed, without prejudice to the right to present a new notice at any future date.

(3) Accept the proposal and contract with the gas or electric corporation for completion of the construction work and equipment replacement, if any, or the acquisition of the gas or electric system, or both.

(4) Accept the proposal and contract with an approved third party for completion of the construction work and equipment replacement, if any, in accordance with the applicable gas or electric corporation applicant installation rules.

(f) Any new facilities provided by the gas or electric corporation to extend distribution or service facilities from the existing gas or electric corporation system within the park to previously undeveloped locations shall be provided in accordance with line extension rules and service extension rules contained in gas or electric corporation tariffs filed with the commission, including any and all free extensions, allowances, and advances subject to refund.

(g) Upon completion of construction work and equipment replacement, if any, receipt of appropriate inspection approval from the gas or electric corporation and authorities having jurisdiction for the inspections, and completion

of all financial transactions among the parties, the park or community owner shall transfer and the gas or electric corporation shall acquire ownership and operational responsibility for the gas or electric system.

(h) Upon receipt of the proposal described in paragraph (3) of subdivision (a), the park or community owner shall notify the park residents concerning the pendency of a transfer process request and the provisions of the transfer process law.

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2794. Criteria

(a) A gas or electric system shall be considered acceptable for transfer if it is in compliance with the following criteria:

(1) It is capable of providing the end users a safe and reliable source of gas or electric service.

(2) It meets the commission's general orders, is compatible, and, in the case of new construction, meets the gas or electric corporation's design and construction standards insofar as they are related to safety and reliability. The parties may waive these requirements by mutual agreement and, where necessary, with commission approval. The deviations as are agreed upon may be reflected in the purchase price.

(3) It is capable of serving the customary expected load in the park or community determined in accordance with a site–specific study, studies of comparable parks or communities, industry standards, and the gas or electric corporation's rules as approved by the commission.

(b) As used in this section, "customary expected load" means the anticipated level of service demanded by the dwelling units in the park or community. The park or community owner shall not be responsible for betterments or improvements to the gas or electric corporation's distribution system facilities or operations that do not benefit the park or community.

(c) Satisfaction of the criteria shall not require any particular system architecture or replacement of used and useful equipment, plant, or facilities, except as needed to comply with subdivision (a). Equipment, facilities, or plant that are part of the existing gas or electric system shall be considered compatible unless their presence in the system would cause substantial increase in the frequency or duration of outages in the case of failure or emergency, or they have no remaining useful life. Pursuant to subdivision (c) of Section 2793, equipment, facilities, or plant that require special training for the gas or electric corporation's employees, or require the gas or electric corporation to maintain inventories of nonstandard equipment may be considered compatible, but their presence may be reflected in the appraised value or the cost imposed on the park or community owner.

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2795. Factors

The park or community owner and the gas or electric corporation shall develop a cost for the transfer of the gas or electric system that reflects the factors in Section 2793, indemnity and liability issues, and any other factors as the parties may mutually agree upon, and to which the gas or electric corporation's ratepayers are indifferent. The parties may agree on a schedule for phasing in facilities to meet expected load increases and betterments, and the costs associated with those activities.

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2796. Responsibilities

(a) During the pendency of a transfer request, the owner of the park or community shall be responsible for the continued maintenance to preserve the integrity of the park or community gas or electric system and safe and reliable operation of the park or community system in accordance with applicable laws.

(b) During the pendency of a transfer request the owner of the park or community shall be liable for injury and damage resulting from operation of the submetered gas and electric system. After transfer the gas or electric corporation shall assume responsibility for operation of the gas or electric system and provision of service to residents of the park or community and shall assume liability for any future injury or damage resulting from operation of the gas or electric system except with respect to defects known to the park or community owner and not disclosed to the gas or electric corporation during the transfer of ownership process.

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2797. Rates

The commission shall permit the gas or electric corporation to recover in its revenue requirement and rates all costs to acquire, improve, upgrade, operate, and maintain transferred mobilehome park or manufactured housing community gas or electric systems.

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2798. Contracts

The commission shall adopt a standard form of agreement for transfer of gas and electric distribution facilities in mobilehome parks and manufactured housing communities that shall be the basis for expedited approval of the

transfers. The contract shall be based on this chapter, the regulations of the commission, and on gas or electric corporation rules and regulations, as approved by the commission.

Added Stats 1996 ch 424 § 1 (AB 622).

§ 2799. Transfer process

(a) The mobilehome park or manufactured housing community owner may, by written notice, stop the transfer process at any time. Within 60 days of delivery to the park or community owner of an itemized bill, the owner shall reimburse the gas or electric corporation for all costs incurred through the date notice is provided.

(b) At any time during the transfer of ownership process, either party may apply to the commission for informal mediation and resolution of any issue, finding, determination, or delay in the conversion process.

(c) If the initiation of the transfer process does not result in a transfer of the park or community owner's gas or electric system to the gas or electric corporation, all information, data, reports, studies, and proposals shall be retained by the gas or electric corporation for a period of five years or offered to the park or community owner. Prior to disposal of the records, the gas or electric corporation shall offer them to the park or community owner, except that the gas or electric corporation shall not be required to provide proprietary information to the park or community owner.

Added Stats 1996 ch 424 § 1 (AB 622).

Chapter 9 SOLAR ENERGY SYSTEMS

Article 2 Solar Water Heating Systems

§ 2860. (Repealed August 1, 2018) Citation of article

This article shall be known, and may be cited, as the Solar Water Heating and Efficiency Act of 2007.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018.

§ 2861. (Repealed August 1, 2018) Definitions

As used in this article, the following terms have the following meanings:

(a) "Gas customer" includes both "core" and "noncore" customers, as those terms are used in Chapter 2.2 (commencing with Section 328) of Part 1, that receive retail end-use gas service within the service territory of a gas corporation.

(b) "kWth" means the kilowatt thermal capacity of a solar water heating system, measured consistent with the standard established by the SRCC.

(c) "kWhth" means kilowatthours thermal as measured by the number of kilowatts thermal generated, or displaced, in an hour.

(d) "Low-income residential housing" means either of the following:

(1) Residential housing financed with low-income housing tax credits, tax-exempt mortgage revenue bonds, general obligation bonds, or local, state, or federal loans or grants, and for which the rents of the occupants who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, do not exceed those prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance.

(2) A residential complex in which at least 20 percent of the total units are sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, and the housing units targeted for lower income households are subject to a deed restriction or affordability covenant with a public entity that ensures that the units will be available at an affordable housing cost meeting the requirements of Section 50052.5 of the Health and Safety Code, or at an affordable rent meeting the requirements of Section 50053 of the Health and Safety Code, for a period of not less than 30 years.

(e) "New Solar Homes Partnership" means the 10-year program, administered by the Energy Commission, encouraging solar energy systems in new home construction.

(f) "Solar heating collector" means a device that is used to collect or capture heat from the sun and that is generally, but need not be, located on a roof.

(g) "Solar water heating system" means a solar energy device that has the primary purpose of reducing demand for natural gas through water heating, space heating, or other methods of capturing energy from the sun to reduce natural gas consumption in a home, business, or any building or facility receiving natural gas that is subject to the surcharge established pursuant to subdivision (b) of Section 2863, or exempt from the surcharge pursuant to subdivision (c) of Section 2863, and that meets or exceeds the eligibility criteria established pursuant to Section 2864. "Solar water heating systems" include multifamily residential, governmental, educational, and nonprofit solar pool heating systems, but do not include single-family residential solar pool heating systems.

(h) "SRCC" means the Solar Rating and Certification Corporation.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018. Amended Stats 2012 ch 607 § 1 (AB 2249), effective January 1, 2013.

§ 2862. (Repealed August 1, 2018) Legislative findings, declarations and intent

The Legislature finds and declares all of the following:

(a) California is heavily dependent on natural gas, importing more than 80 percent of the natural gas it consumes.

(b) Rising worldwide demand for natural gas and a shrinking supply create rising and unstable prices that can harm California consumers and the economy.

(c) Natural gas is a fossil fuel and a major source of global warming pollution and the pollutants that cause air pollution, including smog.

(d) California's growing population and economy will put a strain on energy supplies and threaten the ability of the state to meet its global warming goals unless specific steps are taken to reduce demand and generate energy cleanly and efficiently.

(e) Water heating for domestic and industrial use relies almost entirely on natural gas and accounts for a significant percentage of the state's natural gas consumption.

(f) Solar water heating systems represent the largest untapped natural gas saving potential remaining in California.

(g) In addition to financial and energy savings, solar water heating systems can help protect against future gas and electricity shortages and reduce our dependence on foreign sources of energy.

(h) Solar water heating systems can also help preserve the environment and protect public health by reducing air pollution, including carbon dioxide, a leading global warming gas, and nitrogen oxide, a precursor to smog.

(i) Growing demand for these technologies will create jobs in California as well as promote greater energy independence, protect consumers from rising energy costs, and result in cleaner air.

(j) It is in the interest of the State of California to promote solar water heating systems and other technologies that directly reduce demand for natural gas in homes and businesses.

(k) It is the intent of the Legislature to build a mainstream market for solar water heating systems that directly reduces demand for natural gas in homes, businesses, schools, nonprofit, and government buildings. Toward that end, it is the goal of this article to install at least 200,000 solar water heating systems on homes, businesses, and other buildings or facilities of eligible customer classes throughout the state by 2017, thereby lowering prices and creating a self-sufficient market that will sustain itself beyond the life of this program.

(l) It is the intent of the Legislature that the solar water heating system incentives created by ~~the~~ this article should be a cost-effective investment by gas customers. Gas customers will recoup the cost of their investment through lower prices as a result of avoiding purchases of natural gas.

(m) It is the intent of the Legislature that this article will encourage the cost-effective deployment of solar heating systems in both residential and commercial markets and in each end-use application sector in a balanced manner. It is the intent of the Legislature that the commission monitor and adjust incentives created by ~~the~~ this article so that they are cost-effective investments sufficient to significantly increase markets and promote market transformation. It is the intent of the Legislature that the commission ensure that increased, uniform growth in each market sector is achieved through program incentives or structure adjustments that prevent overutilization of program resources by any single sector.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018. Amended Stats 2012 ch 607 § 2 (AB 2249), effective January 1, 2013; Stats 2013 ch 76 § 178 (AB 383), effective January 1, 2014.

§ 2863. (Repealed August 1, 2018) Authorized actions upon verification of cost effectiveness

(a) If, after a public hearing, the commission determines that a solar water heating program is cost effective for ratepayers and in the public interest, the commission shall do all of the following:

(1) Design and implement a program applicable to the service territories of a gas corporation, to achieve the goal of the Legislature to promote the installation of 200,000 solar water heating systems in homes, businesses, and buildings or facilities of eligible customer classes receiving natural gas service throughout the state by 2017. Eligible customer classes shall include single-family and multifamily residential, commercial, industrial, governmental, nonprofit, and primary, secondary, and postsecondary educational customers.

(2) The program shall be administered by gas corporations or third-party administrators, as determined by the commission, and subject to the supervision of the commission.

(3) The commission shall coordinate the program with the Energy Commission's New Solar Homes Partnership to achieve the goal of building zero-energy homes.

(4) The commission shall determine an appropriate division of funds between solar water heating systems that are and are not solar pool heating systems.

(b)(1) The commission shall fund the program through the use of a surcharge applied to gas customers based upon the amount of natural gas consumed. The surcharge shall be in addition to any other charges for natural gas sold or transported for consumption in this state.

(2) The commission shall impose the surcharge at a level that is necessary to meet the goal of installing 200,000 solar water heating systems, or the equivalent output of 200,000 solar water heating systems, on homes, businesses, and buildings or facilities of eligible customer classes receiving natural gas service in California by 2017. Funding for the program established by this article shall not, for the collective service territories of all gas corporations, exceed two hundred fifty million dollars ($250,000,000) over the course of the 10-year program.

(3) The commission shall annually establish a surcharge rate for each class of gas customers. Any gas customer participating in the California Alternate Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) programs shall be exempt from paying any surcharge imposed to fund the program designed and implemented pursuant to this article.

(4) Any surcharge imposed to fund the program designed and implemented pursuant to this article shall not be imposed upon the portion of any gas customer's procurement of natural gas that is used or employed for a purpose that Section 896 excludes from being categorized as the consumption of natural gas.

(5) The gas corporation or other person or entity providing revenue cycle services, as defined in Section 328.1, shall be responsible for collecting the surcharge.

(c) Funds shall be allocated for the benefit of gas customers to promote utilization of solar water heating systems.

(d) In designing and implementing the program required by this article, no moneys shall be diverted from any existing programs for low-income ratepayers or cost-effective energy efficiency programs.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018. Amended Stats 2012 ch 607 § 3 (AB 2249), effective January 1, 2013.

§ 2864. (Repealed August 1, 2018) Eligibility criteria for solar water heating systems receiving gas customer funded incentives

(a) The commission, in consultation with the Energy Commission and interested members of the public, shall establish eligibility criteria for solar water heating systems receiving gas customer funded incentives pursuant to this article. The criteria should specify and include all of the following:

(1) Design, installation, and energy output or displacement standards. To be eligible for rebate funding, a residential solar water heating system shall~~, at a minimum, have an SRCC OG-300 Solar Water Heating System Certification~~ be certified by an accredited listing agency in accordance with standards adopted by the commission. Solar collectors used in systems for multifamily residential, commercial, government, nonprofit, educational, or industrial water heating shall~~, at a minimum, have an SRCC OG-100 Solar Water Heating System Certification~~ be certified by an accredited listing agency in accordance with standards adopted by the commission. Energy output of collectors and systems shall be determined in accordance with procedures set forth by the listing agency, and shall be based on testing results from accredited testing laboratories.

(2) Require that solar water heating system components are new and unused, and have not previously been placed in service in any other location or for any other application.

(3) Require that solar water heating collectors have a warranty of not less than 10 years to protect against defects and undue degradation.

(4) Require that solar water heating systems are in buildings or facilities connected to a natural gas utility's distribution system within the state.

(5) Require that solar water heating systems have meters or other kWhth measuring devices in place to monitor and measure the system's performance and the quantity of energy generated or displaced by the system. The criteria shall require meters for systems with a capacity for displacing over 30 kWth. The criteria may require meters for systems with a capacity of 30 kWth or smaller.

(6) Require that solar water heating systems are installed in conformity with the manufacturer's specifications and all applicable codes and standards.

(b) Gas customer funded incentives shall not be made for a solar water heating system that does not meet the eligibility criteria.

(c) The commission may adopt consensus solar standards applicable to products or systems as developed by accredited standards developers.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018. Amended Stats 2012 ch 607 § 4 (AB 2249), effective January 1, 2013; Stats 2013 ch 612 § 1 (AB 415), effective January 1, 2014.

§ 2865. (Repealed August 1, 2018) Conditions on gas customer funded incentives; Rating standards for equipment, components and systems

(a) The commission shall establish conditions on gas customer funded incentives pursuant to this article. The conditions shall require both of the following:

(1) Appropriate siting and high-quality installation of the solar water heating system based on installation guidelines that maximize the performance of the system and prevent qualified systems from being inefficiently or inappropriately installed. The conditions shall not impact housing designs or densities presently authorized by a city, county, or city and county. The goal of this paragraph is to achieve efficient installation of solar water heating systems and promote the greatest energy production or displacement per gas customer dollar.

(2) Appropriate energy efficiency improvements in the new or existing home or facility where the solar water heating system is installed.

(b) The commission shall set rating standards for equipment, components, and systems to ensure reasonable performance and shall develop standards that provide for compliance with the minimum ratings.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018. Amended Stats 2012 ch 607 § 5 (AB 2249), effective January 1, 2013.

§ 2866. (Repealed August 1, 2018) Provisions for funding of installation of solar water heating systems

(a) The commission shall provide not less than 10 percent of the overall funds for installation of solar water heating systems on low-income residential housing.

(b) The commission may establish a grant program or a revolving loan or loan guarantee program for low-income residential housing consistent with the requirements of Chapter 5.3 (commencing with Section 25425) of Division 15 of the Public Resources Code. All loans outstanding as of August 1, 2018, shall continue to be repaid in a manner that is consistent with the terms and conditions of the program adopted and implemented by the commission pursuant to this subdivision, until repaid in full.

(c) The commission may extend eligibility for funding pursuant to this section to include residential housing occupied by ratepayers participating in a commission approved and supervised gas corporation Low-Income Energy Efficiency (LIEE) program and who either:

(1) Occupy a single-family home.

(2) Occupy at least 50 percent of all units in a multifamily dwelling structure.

(d) The commission shall ensure that lower income households, as defined in Section 50079.5 of the Health and Safety Code, and, if the commission expands the program pursuant to subdivision (c), ratepayers participating in a LIEE program, that receive gas service at residential housing with a solar water heating system receiving incentives pursuant to subdivision (a), benefit from the installation of the solar water heating systems through reduced or lowered energy costs.

(e) No later than January 1, 2010, the commission shall do all of the following to implement the requirements of this section:

(1) Maximize incentives to properties that are committed to continuously serving the needs of lower income households, as defined in Section 50079.5 of the Health and Safety Code, and, if the commission expands the program pursuant to subdivision (c), ratepayers participating in a LIEE program.

(2) Establish conditions on the installation of solar water heating systems that ensure properties on which solar water heating systems are installed under subdivision (a) remain low-income residential properties for at least 10 years from the time of installation, including property ownership restrictions and income rental protections, and appropriate enforcement of these conditions.

(f) All moneys set aside for the purpose of funding the installation of solar water heating systems on low-income residential housing that are unexpended and unencumbered on August 1, 2018, and all moneys thereafter repaid pursuant to subdivision (b), except to the extent that those moneys are encumbered pursuant to this section, shall be utilized to augment cost-effective energy efficiency measures in low-income residential housing that benefit ratepayers.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018.

§ 2867. (Repealed August 1, 2018) Provisions for rebates

(a) The rebates provided through this program shall decline over time. They shall be structured so as to drive down the cost of the solar water heating technologies, and be paid out on a performance-based incentive basis so that incentives are earned based on the actual energy savings, or on predicted energy savings as established by the commission.

(b) The commission shall consider federal tax credits and other incentives available for this technology when determining the appropriate rebate amount.

(c) The commission shall consider the impact of rebates for solar water heating systems pursuant to this article on existing incentive programs for energy efficiency technology.

(d) In coordination with the commission, the Energy Commission shall consider, when appropriate, coupling rebates for solar water heating systems with complementary energy efficiency technologies, including, but not limited to, efficient hot water heating tanks and tankless or on demand hot water systems that can be installed in addition to the solar water heating system.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018.

§ 2867.1. (Repealed August 1, 2018) Reporting to Legislature

(a) Not later than July 1, 2010, the commission shall report to the Legislature as to the effectiveness of the program and make recommendations as to any changes that should be made to the program. This report shall include justification for the size of the rebate program in terms of total available incentive moneys as well as the anticipated benefits of the program in its entirety. To facilitate the understanding of how solar water heating systems compare with other clean energy and energy efficiency technologies, all documents related to and rebates provided by this program shall be measured in both kWhth and therms of natural gas saved.

(b) Not later than February 1, 2014, the commission shall complete a review of whether the rebate levels established by the commission will be sufficient to spur investment to reach the program goal of installing 200,000 solar water heating systems in homes, businesses, and other buildings or facilities receiving natural gas service throughout the state by 2017, and shall report to the Legislature on the results of its review. The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018. Amended Stats 2012 ch 607 § 6 (AB 2249),

effective January 1, 2013.

§ 2867.2. (Repealed August 1, 2018) Eligibility for California Solar Initiative funds

Except for the Solar Water Heating Pilot Program in San Diego, solar water heating technologies shall not be eligible for California Solar Initiative (CSI) funds, pursuant to Section 2851, unless they also displace electricity, in which case only the electricity displacing portion of the technology may be eligible under the CSI program, as determined by the commission.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018.

§ 2867.3. (Repealed August 1, 2018) Incentive program for public utilities to provide solar water heating system to retail end-use gas customers

In order to further the state goal of encouraging the installation of 200,000 solar water heaters by 2017, the governing body of each publicly owned utility providing gas service to retail end-use gas customers shall, after a public proceeding, adopt, implement, and finance a solar water heating system incentive program that does all the following:

(a) Ensures that any solar water heating system receiving monetary incentives complies with eligibility criteria adopted by the governing body. The eligibility criteria shall include those elements contained in paragraphs (1) to (6), inclusive, of subdivision (a) of Section 2864.

(b) Includes minimum ratings and standards for equipment, components, and systems to ensure reasonable performance and compliance with the minimum ratings and standards.

(c) Includes an element that addresses the installation of solar water heating systems on low-income residential housing. If deemed appropriate in consultation with the California Tax Credit Allocation Committee, the governing board may establish a grant program or a revolving loan or loan guarantee program for low-income residential housing consistent with the requirements of Chapter 5.3 (commencing with Section 25425) of Division 15 of the Public Resources Code.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018.

§ 2867.4. (Repealed August 1, 2018) Repeal of article

This article shall remain in effect only until August 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before August 1, 2018, deletes or extends that date.

Added Stats 2007 ch 536 § 2 (AB 1470), effective January 1, 2008, repealed August 1, 2018.

Article 3. Independent Solar Energy Producers

§ 2868. Definitions

The following definitions shall apply for purposes of this article:

(a) “Electric utility” means an electrical corporation as defined in Section 218, a local publicly owned electric utility as defined in Section 9604, or an electrical cooperative as defined in Section 2776.

(b) “Independent solar energy producer” means a corporation or person employing one or more solar energy systems for the generation of electricity for any one or more of the following purposes:

(1) Its own use or the use of its tenants.

(2) The use of, or sale to, not more than two other entities or persons per generation system solely for use on the real property on which the electricity is generated, or on real property immediately adjacent thereto.

(c) “Real property” means a single parcel of land.

(d) “Solar energy system” means any configuration of solar energy devices that collects and distributes solar energy for the purpose of generating electricity and that has a single interconnection with the electric utility transmission or distribution network.

Added Stats 2008 ch 535 § 4 (AB 2863), effective January 1, 2009.

§ 2869. Disclosure to buyer of electricity or lessee of solar energy system; Ratepayer funded incentives; Notice of an Independent Solar Energy Producer Contract; Responsibilities of certain master-meter customer

(a)(1) An independent solar energy producer contracting for the use or sale of electricity or the lease of a solar energy system, to an entity or person, for use in a residence shall include a disclosure to the buyer or lessee that, at a minimum, includes all of the following:

(A) A good faith estimate of the kilowatthours to be delivered by the solar energy system.

(B) A plain language explanation of the terms under which the pricing will be calculated over the life of the contract and a good faith estimate of the price per kilowatthour.

(C) A plain language explanation of operation and maintenance responsibilities of the contract parties.

(D) A plain language explanation of the contract provisions regulating the disposition or transfer of the contract in the event of a transfer of ownership of the residence, as well as the costs or potential costs associated with the disposition or transfer of the contract.

(E) A plain language explanation of the disposition of the solar energy system at the end of the term of the contract.

(2) The commission may require, as a condition of receiving ratepayer funded incentives, that an independent solar energy producer provide additional disclosure to the buyer or lessee, the commission, or both.

(b) An independent solar energy producer contracting for the use or sale of electricity or the lease of a solar energy system, to an entity or person, for use in a residence shall record a Notice of an Independent Solar Energy Producer Contract, within 30 days of the signing of the contract, against the title to the real property on which the electricity is generated, and against the title to any adjacent real property on which the electricity will be used, in the office of the county recorder for the county in which the real property is located. The notice shall include all of the following and may include additional information:

(1)(A) If the solar energy system is located on the real property, a prominent title at the top of the document in 14-point type stating "Notice of an Independent Solar Energy Producer Contract" and the following statement:

"This real property is receiving part of its electric service from an independent solar energy producer that has retained ownership of a solar electric generation system that is located on the real property. The independent solar energy producer provides electric service to the current owner of this real property through a long-term contract for electric service. The independent solar energy producer is required to provide a copy of the contract to a prospective buyer of the real property within ten (10) days of the receipt of a written request from the current owner of this real property."

(B) If the solar energy system is located on an adjacent real property, a prominent title at the top of the document in 14-point type stating "Notice of an Independent Solar Energy Producer Contract" and the following statement:

"This real property is receiving part of its electric service from an independent solar energy producer that has retained ownership of a solar electric generation system that is located on an adjacent real property. The independent solar energy producer provides electric service to the current owner of this real property through a long-term contract for electric service. The independent solar energy producer is required to provide a copy of the contract to a prospective buyer of this real property within ten (10) days of the receipt of a written request from the current owner of this real property."

(2) The address and assessor's parcel number of the real property against which the notice is recorded.

(3) The name, address, and telephone number of the independent solar energy producer, and any other contact information deemed necessary by the independent solar energy producer.

(4) A statement identifying whether the contract is a contract for the sale of electricity or for the lease of a solar energy system, and providing the dates on which the contract commences and terminates.

(5) A plain language summary of the potential costs, consequences, and assignment of responsibilities, if any, that could result in the event the contract is terminated.

(c)(1) The recorded Notice of an Independent Solar Energy Producer Contract does not constitute a title defect, lien, or encumbrance against the real property, and the independent solar energy producer shall be solely responsible for the accuracy of the information provided in the notice and for recording the document with the county recorder.

(2) The independent solar energy producer shall record a subsequent document extinguishing the Notice of an Independent Solar Energy Producer Contract if the contract is voided, terminated, sold, assigned, or transferred. If the independent solar energy producer transfers its obligation under the contract or changes its contact information, it shall record a new notice reflecting these changes within 30 days of their occurrence.

(3) Within 30 days of the termination of a contract for the use or sale of electricity or the lease of a solar energy system, the independent solar energy producer shall record a subsequent document extinguishing the Notice of an Independent Solar Energy Producer Contract from the title to the real property on which the electricity is generated, and from the title to any adjacent real property on which the electricity was used, in the office of the county recorder for the county in which the real property is located.

(d) An independent solar energy producer contracting for the use or sale of electricity or the lease of a solar energy system shall provide a copy of the existing contract to a prospective buyer of the real property where the electricity is used or generated within ten (10) days of the receipt of a written request from the current owner of the real property.

(e)(1) All contracts for the sale of electricity by an independent solar energy producer to an entity or person, for use in a residential dwelling shall be made available to the commission upon its request, and shall be confidential, except as provided for in this subdivision. The disclosures required by subdivision (a) may be made open to public inspection or made public by the commission.

(2) A contract provided to the commission pursuant to this subdivision shall not be open to public inspection or made public, except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding.

(3) This subdivision does not eliminate or modify any rule or provision of law that provides for the confidentiality of information submitted to the commission in the course of its proceedings.

(f) A master-meter customer of an electric utility who purchases electricity or leases a solar energy system from an independent solar energy producer, and who provides electric service to users who are tenants of a mobilehome park, apartment building, or similar residential complex, shall do both of the following:

(1) Charge each user of the electric service that is under a submetered system a rate for the solar generated electricity not to exceed the rate charged by the independent solar energy producer or the electric utility's rate for an equivalent amount of electricity, whichever is lower.

(2) Comply with the provisions of Section 739.5 or 12821.5, and any rules set forth by an electric utility for master-meter customers.

(g) No transfer of real property subject to this article shall be invalidated solely because of the failure of any person to comply with any provision of this article. Any person who willfully or negligently violates or fails to perform any duty prescribed by any provision of this article shall be civilly liable in the amount of actual damages suffered by a transferee or transferor of the real property as a consequence of that violation or failure.

Added Stats 2008 ch 535 § 4 (AB 2863), effective January 1, 2009.

Division 2 REGULATION OF RELATED BUSINESSES BY THE PUBLIC UTILITIES COMMISSION

Chapter 4 ENFORCEMENT OF FEDERAL PIPELINE SAFETY STANDARDS FOR MOBILEHOME PARK OPERATORS

§ 4351. "Gas"

As used in this chapter:

(a) "Gas" means natural or manufactured gas, except propane, used for light, heat, or power.

(b) "Distribution system" means a system of pipes within a mobilehome park operated by a person or corporation, other than a public utility, which is connected to a meter or other measuring device under the control of a privately owned or publicly owned public utility, for purposes of distribution of gas by the operator of a mobilehome park to the tenants of the mobilehome park who are the actual users of the gas furnished through the meter or device to the operator by the public utility.

(c) "Operator" is a mobilehome park owner or operator who maintains and operates a master–metered natural gas distribution system.

(d) "Department" means the Department of Housing and Community Development.

(e) "Local enforcement agency" means the city, county, or city and county which has assumed the responsibility for the enforcement of Chapter 2 (commencing with Section 18300) of Part 2.1 of Division 13 of the Health and Safety Code.

(f) "Federal law" or "federal pipeline standards" means the federal Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. Sec. 1671 et seq.) and the regulations contained in Parts 190, 191, and 192 of Title 49 of the Code of Federal Regulations.

Added Stats 1990 ch 1601 § 2 (SB 2647), ch 1630 § 2 (AB 3327), operative July 1, 1991.

§ 4352. Gas safety inspection and enforcement program; Adoption of rules

(a) The commission shall undertake a gas safety inspection and enforcement program for mobilehome parks with distribution systems to ensure compliance with the federal pipeline standards by mobilehome park operators within the state. The commission may adopt rules, which shall be at least as stringent as the federal law in order to protect the health and safety of mobilehome park residents. Nothing in this chapter prohibits the commission from adopting more stringent standards than those in the federal law.

(b) As part of this gas safety inspection and enforcement program, the commission inspectors may:

(1) Enter public or private property as is necessary to carry out this chapter.

(2) Enter and inspect all mobilehome parks, wherever situated, and inspect all documents (including those records listed in subdivision (a) of Section 4353), accommodations, equipment, or paraphernalia used in connection with or related to the gas distribution system of the mobilehome park.

Added Stats 1990 ch 1601 § 2 (SB 2647), operative July 1, 1991. Amended Stats 1992 ch 817 § 1 (SB 1962), effective September 21, 1992.

§ 4353. Initial inspection; Additional inspections; Violations; Enforcement

(a) The commission shall conduct an initial inspection of each distribution system which shall take place on the mobilehome park premises. The inspection shall consist of all of the following:

(1) An inspection of the adequacy of the operator's operation and maintenance plan.

(2) The information contained in the required annual report.

(3) The records of leak surveys and repairs, corrosion control, and cathodic protection of the system.

(4) If deemed appropriate from the review of the records, a physical inspection of the mobilehome park's distribution system to ensure compliance with the federal law; the applicable sections of Commission General Order 112 relating to mobilehome park distribution systems, excluding the sections relating to gas transmission facilities, LNG facilities, and gathering lines; and any rules and orders adopted by the commission pursuant to this chapter.

(b) If the operator demonstrates compliance pursuant to subdivision (a), the distribution system shall thereafter be inspected at least once every seven years pursuant to a risk-based inspection schedule adopted by the commission. The subsequent inspections shall consist of the elements specified in subdivision (a). However, the commission may institute an inspection at any time if it determines, following a review of a subsequent annual report or receipt of a complaint, that an additional inspection is necessary.

(c) If the operator does not demonstrate compliance pursuant to subdivision (a), the distribution system may be inspected on an annual basis until such time as there is compliance and, thereafter, shall be inspected as specified in subdivision (b).

(d) If upon the initial inspection or any subsequent inspection, the commission determines the presence of a gas leak or other safety hazard in the distribution system which poses a significant or immediate danger to the health and safety of the park residents, the distribution system may be inspected more frequently until the condition is corrected. Once corrected, the park shall be inspected as specified in subdivision (b).

(e) The commission may require an operator to provide necessary assistance to commission inspectors in entering and inspecting the mobilehome park, including, but not limited to:

(1) Allowing commission inspectors entry to mobilehome park premises.

(2) Having, upon notice, the necessary records specified in subdivision (a) available for the commission inspector's review during the physical inspection.

(3) Assisting in surveying or uncovering portions of a distribution system for purposes of inspection, verification, and testing.

(f) It shall be a violation for a mobilehome park operator to willfully obstruct a commission inspector's access, entry, or inspection of a mobilehome park.

(g) The commission may enforce subdivision (f) by issuing a citation in the manner specified in subdivision (b) of Section 4357 and shall notify the United States Department of Transportation, the department or local enforcement agency, the utility serving the distribution system, and the operator of any citation issued pursuant to subdivision (f) of Section 4353.

Added Stats 1990 ch 1601 § 2 (SB 2647), operative July 1, 1991. Amended Stats 1992 ch 817 § 2 (SB 1962), effective September 21, 1992; Stats 2012 ch 112 § 1 (AB 1694), effective January 1, 2013.

§ 4354. Annual report by mobilehome park operator

(a) Every operator shall prepare and submit to the commission annually a report on the distribution system.

(b) The report shall be submitted to the commission at the same time the annual application for a permit to operate the mobilehome park is submitted to the department or the local enforcement agency.

(c) The report shall be prepared using a form required by the commission and shall contain the information the commission finds necessary to carry out the intent of this chapter. In developing the form, the commission shall consult with interested parties to ensure that the form contains no more than the necessary and appropriate information to carry out the intent of this chapter.

(d) Upon receipt of the report, the commission shall examine the report for violations of (1) applicable federal pipeline safety laws or regulations or (2) any applicable commission rules or orders. The commission may inspect the operator's distribution system for the purpose of verifying whether or not a violation of federal or state pipeline safety laws or regulations has occurred or is occurring.

Added Stats 1990 ch 1601 § 2 (SB 2647), ch 1630 § 2 (AB 3327), operative July 1, 1991.

§ 4354.5. Documents to be maintained by operator

(a) Every operator shall maintain all of the following:

(1) A map, drawing, or diagram which indicates the location of the distribution system's main and service lines, master–meter, and the identity of key valves.

(2) A copy of each annual report which has been submitted pursuant to the federal law or this chapter.

(3) A copy of any record of leak surveys and repairs, corrosion control, and cathodic protection of the system.

(b) The information and records listed in subdivision (a) shall be provided to any subsequent operator of the distribution system upon the sale, transfer, or other conveyance of title to the mobilehome park.

(c) Notwithstanding any other provision of law, there shall be no penalty pursuant to Section 4357 imposed upon a subsequent operator of the distribution system who has not received the information and records listed in subdivision (a) from the transferring operator or upon any operator who fails to have the information and records for any period on or before the effective date of this section.

Added Stats 1991 ch 633 § 1 (AB 1561), effective October 6, 1991.

§ 4355. Inspection report; Compliance plan for correcting safety violations

Except as specified in Section 4356, after each inspection, the commission shall furnish the operator, or a representative designated in writing by the operator, with a written copy of the inspection report within 30 days of the inspection, and the report shall indicate any violations of applicable federal or state pipeline safety laws or regulations. Upon receipt of a report indicating a safety violation, the operator shall file, within 30 days, a written response with

the commission which acknowledges receipt of the report and specifies a compliance plan for correcting the safety violations, including, if appropriate, a timetable for completing necessary repairs or improvements to the distribution system. The commission shall furnish copies of inspection reports indicating safety violations, and responses to these reports, to the United States Department of Transportation and to the department.

Added Stats 1990 ch 1601 § 2 (SB2647), operative July 1, 1991.

§ 4356. Notice of gas leak or other safety hazard

(a) If the commission determines the presence of a gas leak or other safety hazard in the distribution system which poses a significant or immediate danger to the health and safety of the park residents, it shall notify the United States Department of Transportation, the department or local enforcement agency, the utility serving the distribution system, and the operator, who shall provide notice to the affected tenants in the park.

(b) The commission shall require the operator to take immediate steps to correct and repair the gas leak or other hazard. The park operator shall obtain permits from the department or local enforcement agency, as required by Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code. The commission may direct the serving gas corporation to terminate service at the master meter if an operator does not comply with this requirement. The cost of repair or corrective actions shall be borne by the operator.

Added Stats 1990 ch 1601 § 2 (SB 2647), operative July 1, 1991. Amended Stats 1992 ch 817 § 3 (SB 1962), effective September 21, 1992.

§ 4357. Civil penalties

(a) Any operator who commits a violation enumerated in subdivision (f) of Section 4353, or who fails to file the report required by Section 4354 or to comply with a directive of the commission pursuant to Section 4356 is subject to a civil penalty of not more than one thousand dollars ($1,000) for each day that the violation, failure to file the report or respond to the directive continues, but not to exceed two hundred thousand dollars ($200,000) for a single violation or related series of violations. The commission shall enforce this subdivision.

(b) The commission may enforce subdivision (a) in the following manner:

(1) By issuing a citation to the responsible person, as defined by Section 18603 of the Health and Safety Code, and to the mobilehome park operator. In the event of a violation that constitutes a significant or immediate danger to health and safety of the park residents, the citation shall be issued immediately and served upon the responsible person or the holder of the permit to operate the mobilehome park. The mobilehome park operator shall be responsible for the correction of any violations for which a citation has been given pursuant to this subdivision.

(2) Service of the citation shall be effected either personally or by first–class mail. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provisions or regulations alleged to have been violated, as well as any penalty provided by law for failure to make timely correction. The citation shall fix the earliest feasible time, as determined by the commission, for the elimination of the condition constituting the alleged violation.

(3) A mobilehome park operator may request an informal conference with the commission staff to challenge any citation alleging a violation, or any directive to correct a violation. The informal conference, any subsequent hearings, or appeals of a decision of the commission shall be conducted in accordance with the rules and procedures prescribed by the commission.

(c) The remedies provided by this chapter are cumulative and shall not be construed to supersede other provisions of law providing sanctions for violators of this chapter, including, but not limited to, Sections 2112 and 2113 of the Public Utilities Code.

(d) Nothing in this chapter affects the tort liability of the operator of a distribution system.

Added Stats 1990 ch 1601 § 2 (SB 2647), ch 1630 § 2 (AB 3327), operative July 1, 1991. Amended Stats 1992 ch 817 § 4 (SB 1962), effective September 21, 1992.

§ 4358. Surcharge

(a) The commission shall establish a uniform billing per space or lot surcharge to be paid by operators with distribution systems subject to this chapter on natural gas purchased for distribution to their tenants. The surcharge shall be designed to recover the commission's costs of the mobilehome park safety inspection and enforcement program required by this chapter.

(b) The commission shall require gas corporations to adjust their rates on an annual basis to recover the surcharge specified in subdivision (a). Mobilehome parks which are served by publicly owned public utilities shall be inspected at the request of the serving utility. However, publicly owned public utilities which serve mobilehome parks subject to this chapter shall only be required to adjust their gas rates to recover the surcharge specified in subdivision (a) when a mobilehome park within the utility's jurisdiction is inspected.

(c) Notwithstanding any other provision of law or local ordinance, rule, regulation, or initiative measure, the operator shall be entitled to recover the surcharge collected pursuant to subdivision (a) from its tenants on a monthly basis. However, the charge to any tenant shall not exceed 30 cents per month for the period from July 1, 1991, until July 1, 1992, and shall not exceed 25 cents per month after that date. If the commission establishes the surcharge at a lesser amount, the operator's recovery shall not exceed the actual surcharge.

(d) All surcharge fees collected by gas corporations pursuant to this section shall be forwarded to the commission, as required by the commission. All surcharge fees collected pursuant to this section shall be deposited in the Public Utilities Commission Utilities Reimbursement Account in the General Fund, which fees shall be used, upon appropriation, for purposes of this chapter.

Added Stats 1990 ch 1601 § 2 (SB 2647), operative July 1, 1991. Amended Stats 1991 ch 633 § 2 (AB 1561), effective October 6, 1991.

§ 4359. Adoption or rules and orders

The commission may adopt rules and orders to carry out this chapter.

Added Stats 1990 ch 1601 § 2 (SB 2647), operative January 1, 1991.

§ 4360. Effect of chapter on operators of liquefied petroleum gas

Nothing in this chapter affects the requirement that operators of liquefied petroleum gas (propane) master–meter systems supplying 10 or more customers from a single source comply with the applicable provisions of the federal law.

Added Stats 1990 ch 1630 § 2 (AB 3327), operative July 1, 1991.

§ 4361. Required posting of emergency telephone numbers

(a) In each mobilehome park, the operator shall post on the mobilehome park premises the current emergency telephone numbers for, at a minimum, the gas company, the fire department, and the responsible person as defined by Section 18603 of the Health and Safety Code, and shall maintain on the mobilehome park premises an emergency procedure, which shall be used in the event there is a gas leak or other safety hazard in the gas distribution system. The operator is required to inform each of the tenants of the mobilehome park of the location of these emergency telephone numbers and the emergency procedure.

(b) Any operator who fails to comply with subdivision (a) shall be subject to the same penalty as set forth in subdivision (a) of Section 4357. The commission shall enforce this subdivision pursuant to subdivision (b) of Section 4357.

Added Stats 1992 ch 817 § 5 (SB 1962), effective September 21, 1992.

Division 6 MUNICIPAL UTILITY DISTRICT ACT

Chapter 6 POWERS AND FUNCTIONS OF DISTRICT

Article 5 Utility Works And Service

§ 12821.5. Responsibilities of residential master–meter customer for submeter system

(a) Whenever residential light, heat, or power is furnished through a submeter system by a master–meter customer for sale to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master–meter customer is responsible for maintenance and repair of its submeter facilities beyond the master meter, and nothing in this section requires a district to make repairs to or perform maintenance on the submeter system.

(b) Every master–meter customer shall provide an itemized billing of charges for light, heat, and power to each individual user generally in accordance with the form and content of bills of the district to its residential customers, including, but not limited to, the opening and closing readings for the meter, and the identification of all rates and quantities under the applicable rate structure. The master–meter customer shall charge each user of the service at a rate which does not exceed the rate which would be applicable if the user were receiving residential light, heat, or power directly from the district. The master–meter customer shall also post, in a conspicuous place, the applicable prevailing residential rate schedule, as published by the district.

(c) The district shall notify each master–meter customer of its responsibilities to its users under this section.

Added Stats 1986 ch 512 § 1.

§ 12822. Duties with respect to nonsubscriber residential users

(a) Whenever a district furnishes individually metered residential light, heat, water, or power to residential occupants in a multiunit residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined in Section 17008 of the Health and Safety Code, where the owner, manager, or operator is listed by the district as the customer of record of the service, the district shall make every good faith effort to inform the residential occupants, by means of a notice, when the account is in arrears, that service will be terminated in 10 days. The notice shall further inform the residential occupants that they have the right to become customers of the district without being required to pay the amount due on the delinquent account.

(b) The district is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service, and meets the requirements of the district's rules. However, if one or more of the residential occupants are willing and able to assume responsibility for the entire account to the satisfaction

of the district, or if there is a physical means, legally available to the district, of selectively terminating service to those residential occupants who have not met the requirements of the district's rules, the district shall make service available to the residential occupants who have met those requirements.

(c) Where prior service for a period of time is a condition for establishing credit with the district, residence and proof of prompt payment of rent or other credit obligation acceptable to the district for that period of time is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the district pursuant to this section whose periodic payments, such as rental payments, include charges for residential light, heat, water, or power, where these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the district for those services during the preceding payment period.

Added Stats 1976 ch 1033 § 3. Amended Stats 1985 ch 888 § 9; Stats 1988 ch 1533 sec 5.

§ 12822.1. Duties of district furnishing service to residential occupants through master meter

(a) Whenever a district furnishes residential light, heat, water, or power to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined in Section 17008 of the Health and Safety Code, where the owner, manager, or operator is listed by the district as the customer of record of the service, the district shall make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the district shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, of the district without being required to pay the amount due on the delinquent account. The notice also shall specify, in plain language, what the residential occupants are required to do in order to prevent the termination or reestablish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the district who can assist the residential occupants in continuing service; and the address and telephone number of a legal services project, as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association. The notice shall be in English and, to the extent practical, in any other language that the district determines is the primary language spoken by a significant number of the residential occupants.

(b) The district is not required to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to the terms and conditions of service, and meets the requirement of law and the district's rules. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the satisfaction of the district, or if there is a physical means, legally available to the district, of selectively terminating service to those residential occupants who have not met the requirements of the district's rules or for whom the representative of the residential occupants is not responsible, the district shall make service available to the residential occupants who have met those requirements or on whose behalf those requirements have been met.

(c) Where prior service for a period of time, or other demonstration of credit worthiness is a condition for establishing credit with the district, residence and proof of prompt payment of rent or other credit obligation during that period of time acceptable to the district is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the district pursuant to this section whose periodic payments, such as rental payments, include charges for residential light, heat, water, or power, where these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the district for those services during the preceding payment period.

(e) Whenever a district furnishes residential service subject to subdivision (a), the district may not terminate that service in any of the following situations:

(1) During the pendency of an investigation by the district of a customer dispute or complaint.

(2) When the customer has been granted an extension of the period for payment of a bill.

(3) For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the district.

(4) When a delinquent account relates to another property owned, managed, or operated by the customer.

(5) When a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

(f) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, operator, or manager, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit is occupied, the residential occupant or the representative of the residential occupants may commence an action for the recovery of all of the following:

(1) Reasonable costs and expenses incurred by the residential occupant or the representative of the residential occupants related to restoration of service.

(2) Actual damages related to the termination of service.

(3) Reasonable attorney's fees of the residential occupants, the representative of the residential occupants, or each of them, incurred in the enforcement of this section, including, but not limited to, enforcement of a lien.

(g) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the corporation may commence an action for the recovery of all of the following:

(1) Delinquent charges accruing prior to the expiration of the notice prescribed by subdivision (a).

(2) Reasonable costs incurred by the corporation related to the restoration of service.

(3) Reasonable attorney's fees of the corporation incurred in the enforcement of this section or in the collection of delinquent charges, including, but not limited to, enforcement of a lien.

If the court finds that the owner, manager, or operator has paid the amount in arrears prior to termination, the court shall allow no recovery of any charges, costs, damages, expenses, or fees under this subdivision from the owner, manager, or operator.

An abstract of any money judgment entered pursuant to subdivision (f) or (g) shall be recorded pursuant to Section 697.310 of the Code of Civil Procedure.

(h) No termination of service subject to this section may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge to the residential occupants or customer for the restoration of the service. In the event of a wrongful termination by the district, the district shall, in addition, be liable to the residential occupants or customer for actual damages resulting from the termination and for the costs of enforcement of this section, including, but not limited to, reasonable attorney's fees, if the residential occupants or the representative of the residential occupants make a good faith effort to have the service continued without interruption.

(i) The district shall adopt rules and regulations necessary to implement this section and shall liberally construe this section to accomplish its purpose of ensuring that service to the residential occupants is not terminated due to nonpayment by the customer unless the district has made every reasonable effort to continue service to the residential occupants. The rules and regulations shall include, but are not limited to, guidelines for assistance to actual users in the enforcement of this section and requirements for the notice prescribed by subdivision (a), including, but not limited to, clear wording, large and bold face type, and comprehensive instructions to ensure full notice to the actual user.

(j) Nothing in this section broadens or restricts any authority of a local agency that existed prior to January 1, 1989, to adopt an ordinance protecting a residential occupant from the involuntary termination of residential public utility service.

(k) This section preempts any statute or ordinance permitting punitive damages against any owner, manager, or operator on account of an involuntary termination of residential public utility service or permitting the recovery of costs associated with the formation, maintenance, and termination of a tenant's association.

(l) For purposes of this section, "representative of the residential occupants" does not include a tenants' association.

Added Stats 1988 ch 1533 sec 6.

§ 12822.6. Credit worthiness as basis for deposit; "Subsequent tenant"

(a) The decision of a district to require a new residential applicant to deposit a sum of money with the district prior to establishing an account and furnishing service shall be based solely upon the creditworthiness of the applicant as determined by the district.

(b) No municipal utility district owning or operating a public utility furnishing services for residential use to a tenant under an account established by the tenant shall seek to recover any charges or penalties for the furnishing of services to, or for the tenant's residential use from, any subsequent tenant or the property owner due to nonpayment of charges by a previous tenant. For this purpose, the term "subsequent tenant" shall not include any adult person who lived at the residence during the period that the charges or penalties accrued. The district may collect a deposit from the tenant service applicant prior to establishing an account for the tenant. The district may not require that service to subsequent tenants be furnished on the account of the landlord or property owner unless the property owner voluntarily agrees to that requirement, nor may the district refuse to furnish services to a tenant in the tenant's name based on the nonpayment of charges by a previous tenant.

(c) A district subject to this section may not demand or receive security in an amount that exceeds twice the estimated average periodic bill or three times the estimated average monthly bill.

(d) In the event of tenant nonpayment of all or a portion of the bill, the deposit shall be applied to the final bill issued when service is terminated.

(e) This section shall not apply to master–metered apartment buildings.

Added Stats 1989 ch 1066 § 5. Amended Stats 1996 ch 24 § 5 (AB 1770), effective April 8, 1996; Stats 1998 ch 739 § 5 (SB 2166).

§ 12823. Conditions under which services may not be terminated

(a) No district furnishing its inhabitants with light, water, power, or heat may terminate residential service for nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, as provided in Section 12823.

(b) No district shall terminate residential service for nonpayment in any of the following situations:

(1) During the pendency of an investigation by the district of a customer dispute or complaint.

(2) When a customer has been granted an extension of the period for payment of a bill.

(3) On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the district pursuant to subdivision (e) with respect to all charges that the customer is unable to pay prior to delinquency.

(c) Any residential customer who has initiated a complaint or requested an investigation within five days of receiving the disputed bill, or who has, within 13 days of mailing of the notice required by subdivision (a), made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request by a review manager of the district. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed 12 months. No termination of service shall be effected for any customer complying with an amortization agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period.

(d) Any customer whose complaint or request for an investigation pursuant to subdivision (c) has resulted in an adverse determination by the district may appeal the determination to the board. Any subsequent appeal of the dispute or complaint to the board is not subject to this section.

(e) Any customer meeting the requirements of paragraph (3) of subdivision (b) shall, upon request, be permitted to amortize, over a period not to exceed 12 months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment.

Added Stats 1977 ch 1027 § 5. Amended Stats 1985 ch 888 § 10.

§ 12823.1. Termination procedure; Notice of termination

(a) No district furnishing light, heat, water, or power may terminate residential service on account of nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed not earlier than 19 days from the date of mailing the district's bill for services, and the 10–day period shall not commence until five days after the mailing of the notice.

(b) Every district shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact, at least 24 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the district shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(c) Every district shall make available to its residential customers who are 65 years of age or older, or who are dependent adults as defined in paragraph (1) of subdivision (b) of Section 15610 of the Welfare and Institutions Code, a third–party notification service, whereby the district will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third–party notification on a form provided by the district, and shall include the written consent of the designated third party. The third–party notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

(d) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information:

(1) The name and address of the customer whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment is required in order to avoid termination.

(4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that, if the bill for service contains a description of that procedure, the notice pursuant to subdivision (a) is not required to contain that information.

(5) The procedure by which the customer may request amortization of the unpaid charges.

(6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

(7) The telephone number of a representative of the district who can provide additional information or institute arrangements for payment.

Every notice of termination of service pursuant to subdivision (b) shall include the items of information in paragraphs (1), (2), (3), (6), and (7).

All written notices shall be in a clear and legible format.

(e) If a residential customer fails to comply with an amortization agreement, the district shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the district.

(f) No termination of service may be effected without compliance with this section. Any service wrongfully terminated shall be restored without charge for the restoration of service, and a notation thereof shall be mailed to the customer at his or her billing address.

Added Stats 1985 ch 888 § 11. Amended Stats 1986 ch 479 § 3, ch 1396 § 3; Stats 1987 ch 614 § 3.

§ 12824. Prohibited cessation of services during weekends, holidays or non–business hours

No electrical, gas, heat, or water municipal utility district shall, by reason of delinquency in payment for any electric, gas, heat, or water services, cause cessation of any such services on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the district are not open to the public.

Added Stats 1977 ch 1027 § 6.

CODE OF FEDERAL REGULATIONS

TITLE 44 — EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I — FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

SUBCHAPTER B — INSURANCE AND HAZARD MITIGATION

PART 59 — GENERAL PROVISIONS

SUBPART A — GENERAL

§ 59.1. Definitions.

As used in this subchapter —

Act means the statutes authorizing the National Flood Insurance Program that are incorporated in *42 U.S.C. 4001-4128*.

Actuarial rates — see risk premium rates.

Administrator means the Administrator of the Federal Emergency Management Agency.

Agency means the Federal Emergency Management Agency, Washington DC.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Applicant means a community which indicates a desire to participate in the Program.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future-conditions flood hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood-related erosion hazard is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

Area of special flood hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Area of special mudslide (i.e., mudflow) hazard is the land within a community most likely to be subject to severe mudslides (i.e., mudflows). The area may be designated as Zone M on the FHBM. After the detailed evaluation of the special mudslide (i.e., mudflow) hazard area in preparation for publication of the FIRM, Zone M may be further refined.

Base flood means the flood having a one percent chance of being equalled or exceeded in any given year.

Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building — see structure.

Chargeable rates mean the rates established by the Federal Insurance Administrator pursuant to section 1308 of the Act for first layer limits of flood insurance on existing structures.

Chief Executive Officer of the community ("CEO") means the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Community means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

Contents coverage is the insurance on personal property within an enclosed structure, including the cost of debris removal, and the reasonable cost of removal of contents to minimize damage. Personal property may be household goods usual or incidental to residential occupancy, or merchandise, furniture, fixtures, machinery, equipment and supplies usual to other than residential occupancies.

Criteria means the comprehensive criteria for land management and use for flood-prone areas developed under *42 U.S.C. 4102* for the purposes set forth in part 60 of this subchapter.

Critical featuremeans an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Curvilinear Line means the border on either a FHBM or FIRM that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

Deductible means the fixed amount or percentage of any loss covered by insurance which is borne by the insured prior to the insurer's liability.

Developed area means an area of a community that is:

(a) A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure, including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and

(1) Within which 75 percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or

(2) Is a single parcel, tract, or lot in which 75 percent of the area contains existing commercial or industrial structures or uses; or

(3) Is a subdivision developed at a density of at least two residential structures per acre within which 75 percent or more of the lots contain existing residential structures at the time the designation is adopted.

(b) Undeveloped parcels, tracts, or lots, the combination of which is less than 20 acres and contiguous on at least 3 sides to areas meeting the criteria of paragraph (a) at the time the designation is adopted.

(c) A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10 percent of the lots or remaining lots of a subdivision or 10 percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria in paragraph (a)(3).

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Eligible community or participating community means a community for which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

Elevated building means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Emergency Flood Insurance Program or emergency program means the Program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Erosion means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

Exception means a waiver from the provisions of part 60 of this subchapter directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

Existing construction, means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing structures see existing construction.

Expansion to an existing manfactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal agency means any department, agency, corporation, or other entity or instrumentality of the executive branch of the Federal Government, and includes the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration.

Financial assistance means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance, other than general or special revenue sharing or formula grants made to States.

Financial assistance for acquisition or construction purposes means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance pursuant to the Disaster Relief Act of 1974 other than assistance under such Act in connection with a flood. It includes only financial assistance insurable under the Standard Flood Insurance Policy.

First-layer coverage is the maximum amount of structural and contents insurance coverage available under the Emergency Program.

Flood or Flooding means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation determination means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Hazard Boundary Map means an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood insurance means the insurance coverage provided under the Program.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study see flood elevation study.

Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Flood plain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

Flood plain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood-related erosion means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related erosion area or flood-related erosion prone area means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-related erosion area management means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and flood plain management regulations.

Floodway — see regulatory floodway.

Floodway encroachment lines mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Future-conditions flood hazard area, or future-conditions floodplain — see Area of future-conditions flood hazard.

Future-conditions hydrology means the flood discharges associated with projected land-use conditions based on a community’s zoning maps and/or comprehensive land-use plans and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

Independent scientific body means a non-federal technical or scientific organization involved in the study of land use planning, flood plain management, hydrology, geology, geography, or any other related field of study concerned with flooding.

Insurance adjustment organization means any organization or person engaged in the business of adjusting loss claims arising under the Standard Flood Insurance Policy.

Insurance company or insurer means any person or organization authorized to engage in the insurance business under the laws of any State.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 60.3.

Mangrove stand means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (Avicennia Nitida); red mangrove (Rhizophora Mangle); white mangrove (Languncularia Racemosa); and buttonwood (Conocarpus Erecta).

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mudslide (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e., mudflow) area management means the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

Mudslide (i.e., mudflow) prone area means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construciton of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

100-year flood see base flood.

Participating community, also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Policy means the Standard Flood Insurance Policy.

Premium means the total premium payable by the insured for the coverage or coverages provided under the policy. The calculation of the premium may be based upon either chargeable rates or risk premium rates, or a combination of both.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Principally above ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Program means the National Flood Insurance Program authorized by *42 U.S.C. 4001* through *4128*.

Program deficiency means a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in §§ 60.3, 60.4, 60.5, or 60.6.

Project cost means the total financial cost of a flood protection system (including design, land acquisition, construction, fees, overhead, and profits), unless the Federal Insurance Administrator determines a given "cost" not to be a part of such project cost.

Recreational vehicle means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Reference feature is the receding edge of a bluff or eroding frontal dune, or if such a feature is not present, the normal high-water line or the seaward line of permanent vegetation if a high-water line cannot be identified.

Regular Program means the Program authorized by the Act under which risk premium rates are required for the first half of available coverage (also known as "first layer" coverage) for all new construction and substantial improvements started on or after the effective date of the FIRM, or after December 31, 1974, for FIRM's effective on or before that date. All buildings, the construction of which started before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date, are eligible for first layer coverage at either subsidized rates or risk premium rates, whichever are lower. Regardless of date of construction, risk premium rates are always required for the second layer coverage and such coverage is offered only after the Administrator has completed a risk study for the community.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Remedy a violation means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Risk premium rates means those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the Act and the accepted actuarial principles. “Risk premium rates” include provisions for operating costs and allowances.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Scientifically incorrect. The methodology(ies) and/or assumptions which have been utilized are inappropriate for the physical processes being evaluated or are otherwise erroneous.

Second layer coverage means an additional limit of coverage equal to the amounts made available under the Emergency Program, and made available under the Regular Program.

Servicing company means a corporation, partnership, association, or any other organized entity which contracts with the Federal Insurance Administration to service insurance policies under the National Flood Insurance Program for a particular area.

Sheet flow area — see area of shallow flooding.

60-year setback means a distance equal to 60 times the average annual long term recession rate at a site, measured from the reference feature.

Special flood hazard area — see “area of special flood hazard”.

Special hazard area means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

Standard Flood Insurance Policy means the flood insurance policy issued by the Federal Insurance Administrator or an insurer pursuant to an arrangement with the Federal Insurance Administrator pursuant to Federal statutes and regulations.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

State Coordinating Agency means the agency of the state government (or other office designated by the Governor of the state or by state statute) that, at the request of the Federal Insurance Administrator, assists in the implementation of the National Flood Insurance Program in that state.

Storm cellar means a space below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornado or similar wind storm activity.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. “Structure,” for insurance purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

(2) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

(3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Subsidized rates mean the rates established by the Federal Insurance Administrator involving in the aggregate a subsidization by the Federal Government.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

30-year setback means a distance equal to 30 times the average annual long term recession rate at a site, measured from the reference feature.

Technically incorrect. The methodology(ies) utilized has been erroneously applied due to mathematical or measurement error, changed physical conditions, or insufficient quantity or quality of input data.

V Zone — see "coastal high hazard area."

Variance means a grant of relief by a community from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Zone of imminent collapse means an area subject to erosion adjacent to the shoreline of an ocean, bay, or lake and within a distance equal to 10 feet plus 5 times the average annual long-term erosion rate for the site, measured from the reference feature.

HISTORY: [41 FR 46968, Oct. 26, 1976; 51 FR 30306 (1986); 52 FR 24372 (1987); 53 FR 16276, 25332, 36975 (1988); 54 FR 33549, 40005 (1989); 57 FR 19540 (1992); 59 FR 62424, Nov. 26, 1993; 59 FR 53597, Oct. 25, 1994; 62 FR 55706, 55715, Oct. 27, 1997; 65 FR 60758, 60769, Oct. 12, 2000; 66 FR 59166, 59170, Nov. 27, 2001; 72 FR 61720, 61737, Oct. 31, 2007, as confirmed at 74 FR 47471, 47480, Sept. 16, 2009; 74 FR 15328, 15339, Apr. 3, 2009]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 59.2. Description of program.

(a) The National Flood Insurance Act of 1968 was enacted by title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448, August 1, 1968) to provide previously unavailable flood insurance protection to property owners in flood-prone areas. Mudslide (as defined in § 59.1) protection was added to the Program by the Housing and Urban Development Act of 1969 (Pub. L. 91-152, December 24, 1969). Flood-related erosion (as defined in § 59.1) protection was added to the Program by the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31, 1973). The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally-related financial assistance for acquisition or construction purposes with respect to insurable buildings and mobile homes within an identified special flood, mudslide (i.e., mudflow), or flood-related erosion hazard area that is located within any community participating in the Program. The Act also requires that on and after July 1, 1975, or one year after a community has been formally notified by the Federal Insurance Administrator of its identification as community containing one or more special flood, mudslide (i.e., mudflow), or flood-related erosion hazard areas, no such Federal financial assistance, shall be provided within such an area unless the community in which the area is located is then participating in the Program, subject to certain exceptions. See FIA published Guidelines at § 59.4(c).

(b) To qualify for the sale of federally-subsidized flood insurance a community must adopt and submit to the Federal Insurance Administrator as part of its application, flood plain management regulations, satisfying at a minimum the criteria set forth at part 60 of this subchapter, designed to reduce or avoid future flood, mudslide (i.e., mudflow) or flood-related erosion damages. These regulations must include effective enforcement provisions.

(c) Minimum requirements for adequate flood plain management regulations are set forth in § 60.3 for flood-prone areas, in § 60.4 for mudslide (i.e., mudflow) areas and in § 60.5 for flood-related erosion areas. Those applicable requirements and standards are based on the amount of technical information available to the community.

HISTORY: [41 FR 46968, Oct. 26, 1976, as amended at 43 FR 7140, Feb. 17, 1978. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 74 FR 15328, 15339, Apr. 3, 2009]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 59.3. Emergency program.

The 1968 Act required a risk study to be undertaken for each community before it could become eligible for the sale of flood insurance. Since this requirement resulted in a delay in providing insurance, the Congress, in section 408 of the Housing and Urban Development Act of 1969 (Pub. L. 91-152, December 24, 1969), established an Emergency Flood Insurance Program as a new section 1336 of the National Flood Insurance Act *(42 U.S.C. 4056)* to permit the early sale of insurance in flood-prone communities. The emergency program does not affect the requirement that a community must adopt adequate flood plain management regulations pursuant to part 60 of this subchapter but permits insurance to be sold before a study is conducted to determine risk premium rates for the community. The program still requires upon the effective date of a FIRM the charging of risk premium rates for all new construction and substantial improvements and for higher limits of coverage for existing structures.

HISTORY: [43 FR 7140, Feb. 17, 1978. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44543, Sept. 29, 1983]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 59.4. References.

(a) The following are statutory references for the National Flood Insurance Program, under which these regulations are issued:

(1) National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), Pub. L. 90-448, approved August 1, 1968, *42 U.S.C. 4001* et seq.

(2) Housing and Urban Development Act of 1969 (Pub. L. 91-152, approved December 24, 1969).

(3) Flood Disaster Protection Act of 1973 *(87 Stat. 980),* Public Law 93-234, approved December 31, 1973.

(4) Section 816 of the Housing and Community Development Act of 1974 *(87 Stat. 975),* Public Law 93-383, approved August 22, 1974.

(5) Public Law 5-128 (effective October 12, 1977).

(6) The above statutes are included in *42 U.S.C. 4001* et seq.

(b) The following are references relevant to the National Flood Insurance Program:

(1) Executive Order 11988 (Floodplain Management, dated May 24, 1977 *(42 FR 26951,* May 25, 1977)).

(2) The Flood Control Act of 1960 (Pub. L. 86-645).

(3) Title II, section 314 of title III and section 406 of title IV of the Disaster Relief Act of 1974 (Pub. L. 93-288).

(4) Coastal Zone Management Act (Pub. L. 92-583), as amended Public Law 94-370.

(5) Water Resources Planning Act (Pub. L. 89-90), as amended Public Law 94-112 (October 16, 1975).

(6) Title I, National Environmental Policy Act (Pub. L. 91-190).

(7) Land and Water Conservation Fund Act (Pub. L. 89-578), and subsequent amendments thereto.

(8) Water Resources Council, Principals and Standards for Planning, Water and Related Land Resources *(38 FR 24778-24869,* September 10, 1973).

(9) Executive Order 11593 (Protection and Enchancement of the Cultural Environment), dated May 13, 1971 *(36 FR 8921,* May 15, 1971).

(10) 89th Cong., 2nd Session, H.D. 465.

(11) Required land use element for comprehensive planning assistance under section 701 of the Housing Act of 1954, as amended by the Housing and Community Development Act of 1974 (24 CFR 600.72).

(12) Executive Order 11990 (Protection of Wetlands, dated May 24, 1977 *(42 FR 26951,* May 25, 1977)).

(13) Water Resources Council (Guidance for Floodplain Management) *(42 FR 52590,* September 30, 1977).

(14) Unified National Program for Floodplain Management of the United States Water Resources Council, July 1976.

(c) The following reference guidelines represent the views of the Federal Insurance Administration with respect to the mandatory purchase of flood insurance under section 102 of the Flood Disaster Protection Act of 1973: Mandatory Purchase of Flood Insurance Guidelines *(54 FR 29666-29695,* July 13, 1989).

HISTORY: [41 FR 46968, Oct. 26, 1976, as amended at 43 FR 7140, Feb. 17, 1978. Redesignated at 44 FR 31177, May 31, 1979, and amended at 57 FR 19540, May 7, 1992]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

SUBPART B — ELIGIBILITY REQUIREMENTS

§ 59.21. Purpose of subpart.

This subpart lists actions that must be taken by a community to become eligible and to remain eligible for the Program.

HISTORY: [41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,*

3 CFR, 1979 Comp., p. 376.

§ 59.22. Prerequisites for the sale of flood insurance.

(a) To qualify for flood insurance availability a community shall apply for the entire area within its jurisdiction, and shall submit:

(1) Copies of legislative and executive actions indicating a local need for flood insurance and an explicit desire to participate in the National Flood Insurance Program;

(2) Citations to State and local statutes and ordinances authorizing actions regulating land use and copies of the local laws and regulations cited;

(3) A copy of the flood plain management regulations the community has adopted to meet the requirements of §§ 60.3, 60.4 and/or § 60.5 of this subchapter. This submission shall include copies of any zoning, building, and subdivision regulations, health codes, special purpose ordinances (such as a flood plain ordinance, grading ordinance, or flood-related erosion control ordinance), and any other corrective and preventive measures enacted to reduce or prevent flood, mudslide (i.e., mudflow) or flood-related erosion damage;

(4) A list of the incorporated communities within the applicant's boundaries;

(5) Estimates relating to the community as a whole and to the flood, mudslide (i.e., mudflow) and flood-related erosion prone areas concerning:

(i) Population;

(ii) Number of one to four family residences;

(iii) Number of small businesses; and

(iv) Number of all other structures.

(6) Address of a local repository, such as a municipal building, where the Flood Hazard Boundary Maps (FHBM's) and Flood Insurance Rate Maps (FIRM's) will be made available for public inspection;

(7) A summary of any State or Federal activities with respect to flood plain, mudslide (i.e., mudflow) or flood-related erosion area management within the community, such as federally-funded flood control projects and State-administered flood plain management regulations;

(8) A commitment to recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action reasonably necessary to carry out the objectives of the program; and

(9) A commitment to:

(i) Assist the Federal Insurance Administrator at his/her request, in his/her delineation of the limits of the areas having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards;

(ii) Provide such information concerning present uses and occupancy of the flood plain, mudslide (i.e., mudflow) or flood-related erosion areas as the Administrator may request;

(iii) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRM, any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed;

(iv) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to the management of adjoining flood plain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards;

(v) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's bound aries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

(b) An applicant shall legislatively:

(1) Appoint or designate the agency or official with the responsibility, authority, and means to implement the commitments made in paragraph (a) of this section, and

(2) Designate the official responsible to submit a report to the Federal Insurance Administrator concerning the community participation in the Program, including, but not limited to the development and implementation of flood plain management regulations. This report shall be submitted annually or biennially as determined by the Federal Insurance Administrator.

(c) The documents required by paragraph (a) of this section and evidence of the actions required by paragraph (b) of this section shall be submitted to the Federal Emergency Management Agency, Washington DC 20472.

HISTORY: [41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979 and amended at 48 FR 29318, June 24, 1983; 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 49 FR 33656, Aug. 24, 1984; 50 FR 36023, Sept. 4, 1985; 74 FR 15328, 15339, Apr. 3, 2009]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,*

3 CFR, 1979 Comp., p. 376.

§ 59.23. Priorities for the sale of flood insurance under the regular program.

Flood-prone, mudslide (i.e., mudflow) and flood-related erosion prone communities are placed on a register of areas eligible for ratemaking studies and then selected from this register for ratemaking studies on the basis of the following considerations—

(a) Recommendations of State officials;

(b) Location of community and urgency of need for flood insurance;

(c) Population of community and intensity of existing or proposed development of the flood plain, the mudslide (i.e., mudflow) and the flood-related erosion area;

(d) Availability of information on the community with respect to its flood, mudslide (i.e., mudflow) and flood-related erosion characteristics and previous losses;

(e) Extent of State and local progress in flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management, including adoption of flood plain management regulations consistent with related ongoing programs in the area.

HISTORY: [41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 59.24. Suspension of community eligibility.

(a) A community eligible for the sale of flood insurance shall be subject to suspension from the Program for failing to submit copies of adequate flood plain management regulations meeting the minimum requirements of paragraphs (b), (c), (d), (e) or (f) of § 60.3 or paragraph (b) of § 60.4 or § 60.5, within six months from the date the Federal Insurance Administrator provides the data upon which the flood plain regulations for the applicable paragraph shall be based. Where there has not been any submission by the community, the Federal Insurance Administrator shall notify the community that 90 days remain in the six month period in order to submit adequate flood plain management regulations. Where there has been an inadequate submission, the Federal Insurance Administrator shall notify the community of the specific deficiencies in its submitted flood plain management regulations and inform the community of the amount of time remaining within the six month period. If, subsequently, copies of adequate flood plain management regulations are not received by the Federal Insurance Administrator, no later than 30 days before the expiration of the original six month period the Federal Insurance Administrator shall provide written notice to the community and to the state and assure publication in the Federal Register under part 64 of this subchapter of the community's loss of eligibility for the sale of flood insurance, such suspension to become effective upon the expiration of the six month period. Should the community remedy the defect and the Federal Insurance Administrator receive copies of adequate flood plain management regulations within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. If the Federal Insurance Administrator receives notice from the State that it has enacted adequate flood plain management regulations for the community within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. The community's eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(b) A community eligible for the sale of flood insurance which fails to adequately enforce flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be subject to probation. Probation shall represent formal notification to the community that the Federal Insurance Administrator regards the community's flood plain management program as not compliant with NFIP criteria. Prior to imposing probation, the Federal Insurance Administrator (1) shall inform the community upon 90 days prior written notice of the impending probation and of the specific program deficiencies and violations relative to the failure to enforce, (2) shall, at least 60 days before probation is to begin, issue a press release to local media explaining the reasons for and the effects of probation, and (3) shall, at least 90 days before probation is to begin, advise all policyholders in the community of the impending probation and the additional premium that will be charged, as provided in this paragraph, on policies sold or renewed during the period of probation. During this 90-day period the community shall have the opportunity to avoid probation by demonstrating compliance with Program requirements, or by correcting Program deficiencies and remedying all violations to the maximum extent possible. If, at the end of the 90-day period, the Federal Insurance Administrator determines that the community has failed to do so, the probation shall go into effect. Probation may be continued for up to one year after the community corrects all Program deficiencies and remedies all violations to the maximum extent possible. Flood insurance may be sold or renewed in the community while it is on probation. Where a policy covers property located in a community placed on probation on or after October 1, 1986, but prior to October 1, 1992, an additional premium of $ 25.00 shall be charged on each such policy newly issued or renewed during the one-year period beginning on the date the community is placed on probation and during any successive one-year periods that begin prior to October 1, 1992. Where a community's probation begins on or after October 1, 1992, the additional premium described in the preceding sentence shall be $ 50.00, which shall also be charged during any successive one-year periods during which the community remains on probation for any part thereof. This $ 50.00

additional premium shall further be charged during any successive one-year periods that begin on or after October 1, 1992, where the preceding one-year probation period began prior to October 1, 1992.

(c) A community eligible for the sale of flood insurance which fails to adequately enforce its flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 and does not correct its Program deficiencies and remedy all violations to the maximum extent possible in accordance with compliance deadlines established during a period of probation shall be subject to suspension of its Program eligibility. Under such circumstances, the Federal Insurance Administrator shall grant the community 30 days in which to show cause why it should not be suspended. The Federal Insurance Administrator may conduct a hearing, written or oral, before commencing suspensive action. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the Federal Register under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. In the event of impending suspension, the Federal Insurance Administrator shall issue a press release to the local media explaining the reasons and effects of the suspension. The community's eligibility shall only be reinstated by the Federal Insurance Administrator upon his receipt of a local legislative or executive measure reaffirming the community's formal intent to adequately enforce the flood plain management requirements of this subpart, together with evidence of action taken by the community to correct Program deficiencies and remedy to the maximum extent possible those violations which caused the suspension. In certain cases, the Federal Insurance Administrator, in order to evaluate the community's performance under the terms of its submission, may withhold reinstatement for a period not to exceed one year from the date of his receipt of the satisfactory submission or place the community on probation as provided for in paragraph (b) of this section.

(d) A community eligible for the sale of flood insurance which repeals its flood plain management regulations, allows its regulations to lapse, or amends its regulations so that they no longer meet the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be suspended from the Program. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the Federal Register under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. The community eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(e) A community eligible for the sale of flood insurance may withdraw from the Program by submitting to the Federal Insurance Administrator a copy of a legislative action that explicitly states its desire to withdraw from the National Flood Insurance Program. Upon receipt of a certified copy of a final legislative action, the Federal Insurance Administrator shall withdraw the community from the Program and publish in the Federal Register under part 64 of this subchapter its loss of eligibility for the sale of flood insurance. A community that has withdrawn from the Program may be reinstated if its submits the application materials specified in § 59.22(a).

(f) If during a period of ineligibility under paragraphs (a), (d), or (e) of this section, a community has permitted actions to take place that have aggravated existing flood plain, mudslide (i.e., mudflow) and/or flood related erosion hazards, the Federal Insurance Administrator may withhold reinstatement until the community submits evidence that it has taken action to remedy to the maximum extent possible the increased hazards. The Federal Insurance Administrator may also place the reinstated community on probation as provided for in paragraph (b) of this section.

(g) The Federal Insurance Administrator shall promptly notify the servicing company and any insurers issuing flood insurance pursuant to an arrangement with the Federal Insurance Administrator of those communities whose eligibility has been suspended or which have withdrawn from the program. Flood insurance shall not be sold or renewed in those communities. Policies sold or renewed within a community during a period of ineligibility are deemed to be voidable by the Federal Insurance Administrator whether or not the parties to sale or renewal had actual notice of the ineligibility.

HISTORY: [41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36023, Sept. 4, 1985; 57 FR 19540, May 7, 1992; 59 FR 2754, Jan. 19, 1994; 59 FR 35398, Oct. 25, 1994; 62 FR 55706, 55715, Oct. 27, 1997; 74 FR 15328, 15339, Apr. 3, 2009]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

SUBPART C — PILOT INSPECTION PROGRAM

§ 59.30. A Pilot inspection procedure.

(a) Purpose. This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. Areas within Monroe County that become communities by incorporating on or after January 1, 1999, are required to implement the pilot inspection procedure as a condition of participating in the NIP. The criteria will also be used to implement the pilot inspection procedure in these communities. The purpose of this inspection procedure is to provide the communities participating in the pilot inspection procedure with an additional means to identify whether structures built in Special Flood Hazard Areas (SFHAs) after the effective date of the initial Flood Insurance Rate Map (FIRM) comply with the community's floodplain management regulations. The pilot inspection procedure will also assist FEMA in verifying that structures insured under the National Flood Insurance Program's Standard Flood Insurance Policy are properly rated. FEMA will publish notices in the Federal Register when

communities in Monroe County incorporate, agree to implement the pilot inspection procedure, and become eligible for the sale of flood insurance.

(b) Procedures and requirements for implementation. Each community must establish procedures and requirements for implementing the pilot inspection procedure consistent with the criteria established in this section.

(c) Inspection procedure — (1) Starting and termination dates. The Federal Insurance Administrator will establish the starting date and the termination date for implementing the pilot inspection procedure upon the recommendation of the Regional Administrator. The Regional Administrator will consult with each community.

(2) Extension. The Federal Insurance Administrator may extend the implementation of the inspection procedure with a new termination date upon the recommendation of the Regional Administrator. The Regional Administrator will consult with the community. An extension will be granted based on good cause.

(3) Notices. Before the starting date of the inspection procedure, each community must publish a notice in a prominent local newspaper and publish other notices as appropriate. The Federal Insurance Administrator will publish a notice in the Federal Register that the community will undertake an inspection procedure. Published notices will include the purpose for implementing the inspection procedure and the effective period of time that the inspection procedure will cover.

(4) Community reviews. The communities participating in the pilot inspection procedure must review a list of all pre-FIRM and post-FIRM flood insurance policies in SFHAs to confirm that the start of construction or substantial improvement of insured pre-FIRM buildings occurred on or before December 31, 1974, and to identify possible violations of insured post-FIRM buildings. The community will provide to FEMA a list of insured buildings incorrectly rated as pre-FIRM and a list of insured post-FIRM buildings that the community identifies as possible violations.

(5) SFIP endorsement. In the communities that undertake the pilot inspection procedure, all new and renewed flood insurance policies that become effective on and after the date that we and the community establish for the start of the inspection procedure will contain an endorsement to the Standard Flood Insurance Policy that an inspection may be necessary before a subsequent policy renewal [see Part 61, Appendices A(4), (5), and (6)].

(6) Notice from insurer. For a building identified as a possible violation under paragraph (c)(4) of this section, the insurer will send a notice to the policyholder that an inspection is necessary in order to renew the policy and that the policyholder must submit a community inspection report as part of the policy renewal process, which includes the payment of the premium. The insurer will send this notice about 6 months before the Standard Flood Insurance Policy expires.

(7) Conditions for renewal. If a policyholder receives a notice under paragraph (c)(6) of this section that an inspection is necessary in order to renew the Standard Flood Insurance Policy the following conditions apply:

(i) If the policyholder obtains an inspection from the community and the policyholder sends the community inspection report to the insurer as part of the renewal process, which includes the payment of the premium, the insurer will renew the policy and will verify the flood insurance rate, or

(ii) If the policyholder does not obtain and submit a community inspection report the insurer will not renew the policy.

(8) Community responsibilities. For insured post-FIRM buildings that the community inspects and determines to violate the community's floodplain management regulations, the community must demonstrate to FEMA that the community is undertaking measures to remedy the violation to the maximum extent possible. Nothing in this section modifies the community's responsibility under the NFIP to enforce floodplain management regulations adequately that meet the minimum requirements in § 60.3 for all new construction and substantial improvements within the community's SFHAs. The community's responsibility also includes the insured buildings where the policyholder did not obtain an inspection report, and non-insured buildings that this procedure does not cover.

(d) Restoration of flood insurance coverage. Insurers will not provide new flood insurance on any building if a property owner does not obtain a community inspection report or if the property owner obtains a community inspection report but does not submit the report with the renewal premium payment. Flood insurance policies sold on a building ineligible in accordance with paragraph (c)(6)(ii) of this section are void under the Standard Flood Insurance Policy inspection endorsements [44 CFR Part 61, Appendices (A)(4), (A)(5), and (A)(6)]. When the property owner applies for a flood insurance policy and submits a completed community inspection report by the community with an application and renewal premium payment, the insurer will issue a flood insurance policy.

HISTORY: [65 FR 39726, 39748, June 27, 2000; 67 FR 10631, 10633, Mar. 8, 2002, as confirmed at 68 FR 59126, 59127, Oct. 14, 2003; 74 FR 15328, 15339, Apr. 3, 2009]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

PART 60 — CRITERIA FOR LAND MANAGEMENT AND USE

SUBPART A — REQUIREMENTS FOR FLOOD PLAIN MANAGEMENT REGULATIONS

§ 60.1. Purpose of subpart.

(a) The Act provides that flood insurance shall not be sold or renewed under the program within a community, unless the community has adopted adequate flood plain management regulations consistent with Federal criteria. Responsibility for establishing such criteria is delegated to the Federal Insurance Administrator.

(b) This subpart sets forth the criteria developed in accordance with the Act by which the Federal Insurance Administrator will determine the adequacy of a community's flood plain management regulations. These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. Except as otherwise provided in § 60.6, the adequacy of such regulations shall be determined on the basis of the standards set forth in § 60.3 for flood-prone areas, § 60.4 for mudslide areas and § 60.5 for flood-related erosion areas.

(c) Nothing in this subpart shall be construed as modifying or replacing the general requirement that all eligible communities must take into account flood, mudslide (i.e., mudflow) and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use.

(d) The criteria set forth in this subpart are minimum standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations utilizing the standards such as contained in subpart C of this part. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of this part. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 74 FR 15328, 15340, Apr. 3, 2009]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.2. Minimum compliance with flood plain management criteria.

(a) A flood-prone community applying for flood insurance eligibility shall meet the standards of § 60.3(a) in order to become eligible if a FHBM has not been issued for the community at the time of application. Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in § 60.3(b), (c), (d), (e) or (f), in which to meet the requirements of the applicable paragraph. If a community has received a FHBM, but has not yet applied for Program eligibility, the community shall apply for eligibility directly under the standards set forth in § 60.3(b). Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in § 60.3(c), (d), (e) or (f) in which to meet the requirements of the applicable paragraph.

(b) A mudslide (i.e., mudflow)-prone community applying for flood insurance eligibility shall meet the standards of § 60.4(a) to become eligible. Thereafter, the community will be given a period of six months from the date the mudslide (i.e., mudflow) areas having special mudslide hazards are delineated in which to meet the requirements of § 60.4(b).

(c) A flood-related erosion-prone community applying for flood insurance eligibility shall meet the standards of § 60.5(a) to become eligible. Thereafter, the community will be given a period of six months from the date the flood-related erosion areas having special erosion hazards are delineated in which to meet the requirements of § 60.5(b).

(d) Communities identified in part 65 of this subchapter as containing more than one type of hazard (e.g., any combination of special flood, mudslide (i.e., mudflow), and flood-related erosion hazard areas) shall adopt flood plain management regulations for each type of hazard consistent with the requirements of §§ 60.3, 60.4 and 60.5.

(e) Local flood plain management regulations may be submitted to the State Coordinating Agency designated pursuant to § 60.25 for its advice and concurrence. The submission to the State shall clearly describe proposed enforcement procedures.

(f) The community official responsible for submitting annual or biennial reports to the Federal Insurance Administrator pursuant to § 59.22(b)(2) of this subchapter shall also submit copies of each annual or biennial report to any State Coordinating Agency.

(g) A community shall assure that its comprehensive plan is consistent with the flood plain management objectives of this part.

(h) The community shall adopt and enforce flood plain management regulations based on data provided by the Federal Insurance Administrator. Without prior approval of the Federal Insurance Administrator, the community shall not adopt and enforce flood plain management regulations based upon modified data reflecting natural or man-made physical changes.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 29318, June 24, 1983; 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36024, Sept. 4, 1985; 59 FR 53598, Oct. 25, 1994; 62 FR 55706, 55716, Oct. 27, 1997; 74 FR 15328, 15340, Apr. 3, 2009]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.3. Flood plain management criteria for flood-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, *33 U.S.C. 1334;*

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under § 59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones Al-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4)(i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakway walls which exceed a design safe loading resistance

of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,

meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in § 59.1 in accordance with the eligibility procedures under § 65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

HISTORY: [41 FR 46975, Oct. 26, 1976; 51 FR 30307 (1986); 52 FR 24372, 33411 (1987); 53 FR 16276, 25332 (1988); 54 FR 33550, 40005, 42144 (1989); 59 FR 53598, Oct. 25, 1994; 62 FR 55706, 55716, Oct. 27, 1997; 74 FR 15328, 15340, Apr. 3, 2009]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.4. Flood plain management criteria for mudslide (i.e., mudflow)-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review, and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special mudslide (i.e., mudflow) hazard area designations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special mudslide (i.e., mudflow) hazard designations are set forth in § 64.3 of this subchapter. In all cases, the minimum requirements for mudslide (i.e., mudflow)-prone areas adopted by a particular community depend on the amount of technical data provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not yet identified any area within the community as an area having special mudslide (i.e., mudflow) hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall

(1) Require permits for all proposed construction or other development in the community so that it may determine whether development is proposed within mudslide (i.e., mudflow)-prone areas;

(2) Require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides (i.e., mudflows). Factors to be considered in making such a determination should include but not be limited to (i) the type and quality of soils, (ii) any evidence of ground water or surface water problems, (iii) the depth and quality of any fill, (iv) the overall slope of the site, and (v) the weight that any proposed structure will impose on the slope;

(3) Require, if a proposed site and improvements are in a location that may have mudslide (i.e., mudflow) hazards, that (i) a site investigation and further review be made by persons qualified in geology and soils engineering, (ii) the proposed grading, excavations, new construction, and substantial improvements are adequately designed and protected against mudslide (i.e., mudflow) damages, (iii) the proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances, and (iv) drainage, planting, watering, and maintenance be such as not to endanger slope stability.

(b) When the Federal Insurance Administrator has delineated Zone M on the community's FIRM, the community shall:

(1) Meet the requirements of paragraph (a) of this section; and

(2) Adopt and enforce a grading ordinance or regulation in accordance with data supplied by the Federal Insurance Administrator which (i) regulates the location of foundation systems and utility systems of new construction and substantial improvements, (ii) regulates the location, drainage and maintenance of all excavations, cuts and fills and planted slopes, (iii) provides special requirements for protective measures including but not necessarily limited to retaining walls, buttress fills, sub-drains, diverter terraces, benchings, etc., and (iv) requires engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports. Guidance may be obtained from the provisions of the 1973 edition and any subsequent edition of the Uniform Building Code, sections 7001 through 7006, and 7008 through 7015. The Uniform Building Code is published by the International Conference of Building Officials, 50 South Los Robles, Pasadena, California 91101.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 74 FR 15328, 15340, Apr. 3, 2009]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.5. Flood plain management criteria for flood-related erosion-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations for flood-related erosion-prone areas shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review, and reasonably utilize data available from other Federal, State or other sources, pending receipt of data from the Federal Insurance Administrator. However, when special flood-related erosion hazard area designations have been furnished by the Federal Insurance Administrator they shall apply. The symbols defining such special flood-related erosion hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-related erosion-prone areas adopted by a particular community depend on the amount of technical data provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not yet identified any area within the community as having special flood-related erosion hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall

(1) Require the issuance of a permit for all proposed construction, or other development in the area of flood-related erosion hazard, as it is known to the community;

(2) Require review of each permit application to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard; and

(3) If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.

(b) When the Federal Insurance Administrator has delineated Zone E on the community's FIRM, the community shall

(1) Meet the requirements of paragraph (a) of this section; and

(2) Require a setback for all new development from the ocean, lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated by the Federal Insurance Administrator according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 74 FR 15328, 15340, Apr. 3, 2009]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.6. Variances and exceptions.

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§ 60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under § 59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows:

(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $ 25 for $ 100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and

(6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(b)(1) The requirement that each flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion prone community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in §§ 60.3, 60.4 or § 60.5. However, certain exceptions from the standards contained in this subpart may be permitted where the Federal Insurance Administrator recognizes that, because of extraordinary circumstances, local conditions may render the application of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community proposing the adoption of flood plain management regulations which vary from the standards set forth in §§ 60.3, 60.4, or § 60.5, shall explain in

writing to the Federal Insurance Administrator the nature and extent of and the reasons for the exception request and shall include sufficient supporting economic, environmental, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety and the environment.

(2) The Federal Insurance Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human environment. The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44 CFR part 10. Ninety or more days may be required for an environmental quality clearance if the proposed exception will have significant impact on the human environment thereby requiring an EIS.

(c) A community may propose flood plain management measures which adopt standards for floodproofed residential basements below the base flood level in zones A1-30, AH, AO, and AE which are not subject to tidal flooding. Nothwithstanding the requirements of paragraph (b) of this section the Federal Insurance Administrator may approve the proposal provided that:

(1) The community has demonstrated that areas of special flood hazard in which basements will be permitted are subject to shallow and low velocity flooding and that there is adequate flood warning time to ensure that all residents are notified of impending floods. For the purposes of this paragraph flood characteristics must include:

(i) Flood depths that are five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots;

(ii) Flood velocities that are five feet per second or less; and

(iii) Flood warning times that are 12 hours or greater. Flood warning times of two hours or greater may be approved if the community demonstrates that it has a flood warning system and emergency plan in operation that is adequate to ensure safe evacuation of flood plain residents.

(2) The community has adopted flood plain management measures that require that new construction and substantial improvements of residential structures with basements in zones A1-30, AH, AO, and AE shall:

(i) Be designed and built so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the 500-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet.

(ii) Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood;

(iii) Have the area surrounding the structure on all sides filled to or above the elevation of the base flood. Fill must be compacted with slopes protected by vegetative cover;

(iv) Have a registered professional engineer or architect develop or review the building's structual design, specifications, and plans, including consideration of the depth, velocity, and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this paragraph;

(v) Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this section which are verifiable.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36025, Sept. 4, 1985; 51 FR 30308, Aug. 25, 1986; 54 FR 33550, Aug. 15, 1989; 74 FR 15328, 15340, Apr. 3, 2009]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.7. Revisions of criteria for flood plain management regulations.

From time to time part 60 may be revised as experience is acquired under the Program and new information becomes available. Communities will be given six months from the effective date of any new regulation to revise their flood plain management regulations to comply with any such changes.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.8. Definitions.

The definitions set forth in part 59 of this subchapter are applicable to this part.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

SUBPART B — REQUIREMENTS FOR STATE FLOOD PLAIN MANAGEMENT REGULATIONS

§ 60.11. Purpose of this subpart.

(a) A State is considered a "community" pursuant to § 59.1 of this subchapter; and, accordingly, the Act provides that flood insurance shall not be sold or renewed under the Program unless a community has adopted adequate flood plain management regulations consistent with criteria established by the Federal Insurance Administrator.

(b) This subpart sets forth the flood plain management criteria required for State-owned properties located within special hazard areas identified by the Federal Insurance Administrator. A State shall satisfy such criteria as a condition to the purchase of a Standard Flood Insurance Policy for a State-owned structure or its contents, or as a condition to the approval by the Federal Insurance Administrator, pursuant to part 75 of this subchapter, of its plan of self-insurance.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 74 FR 15328, 15340, Apr. 3, 2009]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.12. Flood plain management criteria for State-owned properties in special hazard areas.

(a) The State shall comply with the minimum flood plain management criteria set forth in §§ 60.3, 60.4, and 60.5. A State either shall:

(1) Comply with the flood plain management requirements of all local communities participating in the program in which State-owned properties are located; or

(2) Establish and enforce flood plain management regulations which, at a minimum, satisfy the criteria set forth in §§ 60.3, 60.4, and 60.5.

(b) The procedures by which a state government adopts and administers flood plain management regulations satisfying the criteria set forth in §§ 60.3, 60.4 and 60.5 may vary from the procedures by which local governments satisfy the criteria.

(c) If any State-owned property is located in a non-participating local community, then the State shall comply with the requirements of paragraph (a)(2) of this section for the property.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.13. Noncompliance.

If a State fails to submit adequate flood plain management regulations applicable to State-owned properties pursuant to § 60.12 within six months of the effective date of this regulation, or fails to adequately enforce such regulations, the State shall be subject to suspensive action pursuant to § 59.24. Where the State fails to adequately enforce its flood plain management regulations, the Federal Insurance Administrator shall conduct a hearing before initiating such suspensive action.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 74 FR 15328, 15340, Apr. 3, 2009]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

SUBPART C — ADDITIONAL CONSIDERATIONS IN MANAGING FLOOD-PRONE, MUDSLIDE (I.E., MUDFLOW)-PRONE AND FLOOD-RELATED EROSION-PRONE AREAS

§ 60.21. Purpose of this subpart.

The purpose of this subpart is to encourage the formation and adoption of overall comprehensive management plans for flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone areas. While adoption by a community of the standards in this subpart is not mandatory, the community shall completely evaluate these standards.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.22. Planning considerations for flood-prone areas.

(a) The flood plain management regulations adopted by a community for flood-prone areas should:

(1) Permit only that development of flood-prone areas which (i) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (ii) is an acceptable social and economic use of the land in relation to the hazards involved, and (iii) does not increase the danger to human life;

(2) Prohibit nonessential or improper installation of public utilities and public facilities in flood-prone areas.

(b) In formulating community development goals after the occurrence of a flood disaster, each community shall consider—

(1) Preservation of the flood-prone areas for open space purposes;

(2) Relocation of occupants away from flood-prone areas;

(3) Acquisition of land or land development rights for public purposes consistent with a policy of minimization of future property losses;

(4) Acquisition of frequently flood-damaged structures;

(c) In formulating community development goals and in adopting flood plain management regulations, each community shall consider at least the following factors—

(1) Human safety;

(2) Diversion of development to areas safe from flooding in light of the need to reduce flood damages and in light of the need to prevent environmentally incompatible flood plain use;

(3) Full disclosure to all prospective and interested parties (including but not limited to purchasers and renters) that (i) certain structures are located within flood-prone areas, (ii) variances have been granted for certain structures located within flood-prone areas, and (iii) premium rates applied to new structures built at elevations below the base flood substantially increase as the elevation decreases;

(4) Adverse effects of flood plain development on existing development;

(5) Encouragement of floodproofing to reduce flood damage;

(6) Flood warning and emergency preparedness plans;

(7) Provision for alternative vehicular access and escape routes when normal routes are blocked or destroyed by flooding;

(8) Establishment of minimum floodproofing and access requirements for schools, hospitals, nursing homes, orphanages, penal institutions, fire stations, police stations, communications centers, water and sewage pumping stations, and other public or quasi-public facilities already located in the flood-prone area, to enable them to withstand flood damage, and to facilitate emergency operations;

(9) Improvement of local drainage to control increased runoff that might increase the danger of flooding to other properties;

(10) Coordination of plans with neighboring community's flood plain management programs;

(11) The requirement that all new construction and substantial improvements in areas subject to subsidence be elevated above the base flood level equal to expected subsidence for at least a ten year period;

(12) For riverine areas, requiring subdividers to furnish delineations for floodways before approving a subdivision;

(13) Prohibition of any alteration or relocation of a watercourse, except as part of an overall drainage basin plan. In the event of an overall drainage basin plan, provide that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained;

(14) Requirement of setbacks for new construction within Zones V1-30, VE, and V on a community's FIRM;

(15) Requirement of additional elevation above the base flood level for all new construction and substantial improvements within Zones A1-30, AE, V1-30, and VE on the community's FIRM to protect against such occurrences as wave wash and floating debris, to provide an added margin of safety against floods having a magnitude greater than the base flood, or to compensate for future urban development;

(16) Requirement of consistency between state, regional and local comprehensive plans and flood plain management programs;

(17) Requirement of pilings or columns rather than fill, for the elevation of structures within flood-prone areas, in order to maintain the storage capacity of the flood plain and to minimize the potential for negative impacts to sensitive ecological areas;

(18) Prohibition, within any floodway or coastal high hazard area, of plants or facilities in which hazardous substances are manufactured.

(19) Requirement that a plan for evacuating residents of all manufactured home parks or subdivisions located within flood prone areas be developed and filed with and approved by appropriate community emergency management authorities.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 50 FR 36025, Sept. 4, 1985; 54 FR 40284, Sept. 29, 1989]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.23. Planning considerations for mudslide (i.e., mudflow)-prone areas.

The planning process for communities identified under part 65 of this subchapter as containing Zone M, or which indicate in their applications for flood insurance pursuant to § 59.22 of this subchapter that they have mudslide (i.e., mudflow) areas, should include—

(a) The existence and extent of the hazard;

(b) The potential effects of inappropriate hillside development, including

(1) Loss of life and personal injuries, and

(2) Public and private property losses, costs, liabilities, and exposures resulting from potential mudslide (i.e., mudflow) hazards;

(c) The means of avoiding the hazard including the (1) availability of land which is not mudslide (i.e., mudflow)-prone and the feasibility of developing such land instead of further encroaching upon mudslide (i.e., mudflow) areas, (2) possibility of public acquisition of land, easements, and development rights to assure the proper development of hillsides, and (3) advisability of preserving mudslide (i.e., mudflow) areas as open space;

(d) The means of adjusting to the hazard, including the (1) establishment by ordinance of site exploration, investigation, design, grading, construction, filing, compacting, foundation, sewerage, drainage, subdrainage, planting, inspection and maintenance standards and requirements that promote proper land use, and (2) provision for proper drainage and subdrainage on public property and the location of public utilities and service facilities, such as sewer, water, gas and electrical systems and streets in a manner designed to minimize exposure to mudslide (i.e., mudflow) hazards and prevent their aggravation;

(e) Coordination of land use, sewer, and drainage regulations and ordinances with fire prevention, flood plain, mudslide (i.e., mudflow), soil, land, and water regulation in neighboring communities;

(f) Planning subdivisions and other developments in such a manner as to avoid exposure to mudslide (i.e., mudflow) hazards and the control of public facility and utility extension to discourage inappropriate development;

(g) Public facility location and design requirements with higher site stability and access standards for schools, hospitals, nursing homes, orphanages, correctional and other residential institutions, fire and police stations, communication centers, electric power transformers and substations, water and sewer pumping stations and any other public or quasi-public institutions located in the mudslide (i.e., mudflow) area to enable them to withstand mudslide (i.e., mudflow) damage and to facilitate emergency operations; and

(h) Provision for emergencies, including:

(1) Warning, evacuation, abatement, and access procedures in the event of mudslide (i.e., mudflow),

(2) Enactment of public measures and initiation of private procedures to limit danger and damage from continued or future mudslides (i.e., mudflow),

(3) Fire prevention procedures in the event of the rupture of gas or electrical distribution systems by mudslides,

(4) Provisions to avoid contamination of water conduits or deterioration of slope stability by the rupture of such systems,

(5) Similar provisions for sewers which in the event of rupture pose both health and site stability hazards and

(6) Provisions for alternative vehicular access and escape routes when normal routes are blocked or destroyed by mudslides (i.e., mudflow);

(i) The means for assuring consistency between state, areawide, and local comprehensive plans with the plans developed for mudslide (i.e., mudflow)-prone areas;

(j) Deterring the nonessential installation of public utilities and public facilities in mudslide (i.e., mudflow)-prone areas.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.24. Planning considerations for flood-related erosion-prone areas.

The planning process for communities identified under part 65 of this subchapter as containing Zone E or which indicate in their applications for flood insurance coverage pursuant to § 59.22 of this subchapter that they have flood-related erosion areas should include—

(a) The importance of directing future developments to areas not exposed to flood-related erosion;

(b) The possibility of reserving flood-related erosion-prone areas for open space purposes;

(c) The coordination of all planning for the flood-related erosion-prone areas with planning at the State and Regional levels, and with planning at the level of neighboring communities;

(d) Preventive action in E zones, including setbacks, shore protection works, relocating structures in the path of flood-related erosion, and community acquisition of flood-related erosion-prone properties for public purposes;

(e) Consistency of plans for flood-related erosion-prone areas with comprehensive plans at the state, regional and local levels.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.25. Designation, duties, and responsibilities of State Coordinating Agencies.

(a) States are encouraged to demonstrate a commitment to the minimum flood plain management criteria set forth in §§ 60.3, 60.4, and 60.5 as evidenced by the designation of an agency of State government to be responsible for coordinating the Program aspects of flood plain management in the State.

(b) State participation in furthering the objectives of this part shall include maintaining capability to perform the appropriate duties and responsibilities as follows:

(1) Enact, whenever necessary, legislation enabling counties and municipalities to regulate development within flood-prone areas;

(2) Encourage and assist communities in qualifying for participation in the Program;

(3) Guide and assist county and municipal public bodies and agencies in developing, implementing, and maintaining local flood plain management regulations;

(4) Provide local governments and the general public with Program information on the coordination of local activities with Federal and State requirements for managing flood-prone areas;

(5) Assist communities in disseminating information on minimum elevation requirements for development within flood-prone areas;

(6) Assist in the delineation of riverine and coastal flood-prone areas, whenever possible, and provide all relevant technical information to the Administrator;

(7) Recommend priorities for Federal flood plain management activities in relation to the needs of county and municipal localities within the State;

(8) Provide notification to the Federal Insurance Administrator in the event of apparent irreconcilable differences between a community's local flood plain management program and the minimum requirements of the Program;

(9) Establish minimum State flood plain management regulatory standards consistent with those established in this part and in conformance with other Federal and State environmental and water pollution standards for the prevention of pollution during periods of flooding;

(10) Assure coordination and consistency of flood plain management activities with other State, areawide, and local planning and enforcement agencies;

(11) Assist in the identification and implementation of flood hazard mitigation recommendations which are consistent with the minimum flood plain management criteria for the Program;

(12) Participate in flood plain management training opportunities and other flood hazard preparedness programs whenever practicable.

(c) Other duties and responsibilities, which may be deemed appropriate by the State and which are to be officially designated as being conducted in the capacity of the State Coordinating Agency for the Program, may be carried out with prior notification of the Federal Insurance Administrator.

(d) For States which have demonstrated a commitment to and experience in application of the minimum flood plain management criteria set forth in §§ 60.3, 60.4, and 60.5 as evidenced by the establishment and implementation of programs which substantially encompass the activities described in paragraphs (a), (b), and (c) of this section, the Federal Insurance Administrator shall take the foregoing into account when:

(1) Considering State recommendations prior to implementing Program activities affecting State communities;

(2) Considering State approval or certifications of local flood plain management regulations as meeting the requirements of this part.

HISTORY: [51 FR 30309, Aug. 25, 1986; 74 FR 15328, 15340, Apr. 3, 2009]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

§ 60.26. Local coordination.

(a) Local flood plain, mudslide (i.e., mudflow) and flood-related erosion area management, forecasting, emergency preparedness, and damage abatement programs should be coordinated with relevant Federal, State, and regional programs;

(b) A community adopting flood plain management regulations pursuant to these criteria should coordinate with the appropriate State agency to promote public acceptance and use of effective flood plain, mudslide, (i.e., mudflow) and flood-related erosion regulations;

(c) A community should notify adjacent communities prior to substantial commercial developments and large subdivisions to be undertaken in areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards.

HISTORY: [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]
AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, *43 FR 41943,* 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, *44 FR 19367,* 3 CFR, 1979 Comp., p. 376.

REVENUE AND TAXATION CODE

Division 1 PROPERTY TAXATION

Part 0.5 IMPLEMENTATION OF ARTICLE XIII A OF THE CALIFORNIA CONSTITUTION

Chapter 2 CHANGE IN OWNERSHIP AND PURCHASE

§ 62.1. Transfers excluded from change in ownership; Change of ownership of pro rata portion of property

(a) Change in ownership shall not include the following:

(1) Any transfer, on or after January 1, 1985, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, limited equity stock cooperative, or other entity formed by the tenants of a mobilehome park, for the purpose of purchasing the mobilehome park, provided that, with respect to any transfer of a mobilehome park on or after January 1, 1989, subject to this paragraph, the individual tenants who were renting at least 51 percent of the spaces in the mobilehome park prior to the transfer participate in the transaction through the ownership of an aggregate of at least 51 percent of the voting stock of, or other ownership or membership interests in, the entity which acquires the park. If, on or after January 1, 1998, a park is acquired by an entity that did not attain an initial tenant participation level of at least 51 percent on the date of the transfer, the entity shall have up to one year after the date of the transfer to attain a tenant participation level of at least 51 percent. If an individual tenant notifies the county assessor of the intention to comply with the conditions set forth in the preceding sentence, the mobilehome park may not be reappraised by the assessor during that period. However, if a tenant participation level of at least 51 percent is not attained within the one–year period, the county assessor shall thereafter levy escape assessments for the mobilehome park transfer.

(2) Any transfer or transfers on or after January 1, 1985, of rental spaces in a mobilehome park to the individual tenants of the rental spaces, provided that (1) at least 51 percent of the rental spaces are purchased by individual tenants renting their spaces prior to purchase, and (2) the individual tenants of these spaces form, within one year after the first purchase of a rental space by an individual tenant, a resident organization as described in subdivision (*l*) of Section 50781 of the Health and Safety Code, to operate and maintain the park. If, on or after January 1, 1985, an individual tenant or tenants notify the county assessor of the intention to comply with the conditions set forth in the preceding sentence, any mobilehome park rental space that is purchased by an individual tenant in that mobilehome park during that period shall not be reappraised by the assessor. However, if all of the conditions set forth in the first sentence of this paragraph are not satisfied, the county assessor shall thereafter levy escape assessments for the spaces so transferred. This paragraph shall apply only to those rental mobilehome parks that have been in operation for five years or more.

(b)(1) If the transfer of a mobilehome park has been excluded from a change in ownership pursuant to paragraph (1) of subdivision (a) and the park has not been converted to condominium, stock cooperative ownership, or limited equity cooperative ownership, any transfer on or after January 1, 1989, of shares of the voting stock of, or other ownership or membership interests in, the entity that acquired the park in accordance with paragraph (1) of subdivision (a) shall be a change in ownership of a pro rata portion of the real property of the park unless the transfer is for the purpose of converting the park to condominium, stock cooperative ownership, or limited equity cooperative ownership or is excluded from change in ownership by Section 62, 63, or 63.1.

(2) For the purposes of this subdivision, “pro rata portion of the real property” means the total real property of the mobilehome park multiplied by a fraction consisting of the number of shares of voting stock, or other ownership or membership interests, transferred divided by the total number of outstanding issued or unissued shares of voting stock of, or other ownership or membership interests in, the entity that acquired the park in accordance with paragraph (1) of subdivision (a).

(3) Any pro rata portion or portions of real property that changed ownership pursuant to this subdivision may be separately assessed as provided in Section 2188.10.

(4)(A) Notwithstanding any other provision of law, after an exclusion under subdivision (a), the assessor may not levy any escape or supplemental assessment with respect to any change in ownership of a pro rata portion of the real property of the mobilehome park that occurred between January 1, 1989, and January 1, 2002, and for which the assessor did not, prior to January 1, 2000, levy any assessments. However, commencing with the January 1, 2002, lien date, the assessor shall correct the base year value of the pro rata portion of the real property of the park to properly reflect these changes in ownership. A mobilehome park shall provide information requested by the assessor that is necessary to correct the base year value of the property for purposes of this paragraph.

(B) When an assessor corrects the base year value of the real property of the park pursuant to subparagraph (A), the assessor shall notify parks that residents may be eligible for property tax assistance programs offered by either the Controller or the Franchise Tax Board for senior citizens, or blind or disabled persons.

(C) Any outstanding taxes that were levied between January 1, 2000, and January 1, 2002, as a result of a pro rata change in ownership as described in subparagraph (A) shall be canceled. However, there shall be no refund of taxes, as so levied, that were paid prior to January 1, 2002.

(5) A mobilehome park that does not utilize recorded deeds to transfer ownership interest in the spaces or lots shall file, by February 1 of each year, a report with the county assessor's office containing all of the following information:

(A) The full name and mailing address of each owner, stockholder, or holder of an ownership interest in the mobilehome park.

(B) The situs address, including space number, of each unit.

(C) The date that the ownership interest was acquired.

(D) If the unit is a manufactured home, the Department of Housing and Community Development decal number or serial number, or both, and whether the manufactured home is subject to the vehicle license fee or the local property tax.

(6) Within 30 days of a change in ownership, the new resident owner or other purchaser or transferee of a manufactured home within a mobilehome park that does not utilize recorded deeds to transfer ownership interest in the spaces or lots shall file a change in ownership statement described in either Section 480 or 480.2.

(7) Failure to comply with the reporting requirement described in paragraph (5) shall result in a penalty pursuant to Section 482.

(c) It is the intent of the Legislature that, in order to facilitate affordable conversions of mobilehome parks to tenant ownership, paragraph (1) of subdivision (a) apply to all bona fide transfers of rental mobilehome parks to tenant ownership, including, but not limited to, those parks converted to tenant ownership as a nonprofit corporation made on or after January 1, 1985.

Added Stats 1984 ch 1692 § 3. Amended Stats 1986 ch 447 § 1, effective July 22, 1986; Stats 1987 ch 1344 § 1, effective September 29, 1987; Stats 1988 ch 1076 § 1; Stats 1991 ch 442 § 1 (SB 674), effective September 18, 1991; Stats 1993 ch 1200 § 1 (SB 664), effective October 11, 1993. Amended Stats 1998 ch 139 § 1 (AB 2384); Stats 2001 ch 772 § 2 (AB 1457); Stats 2002 ch 664 § 197 (AB 3034), ch 775 § 2 (SB 2092) (ch 775 prevails).

§ 62.2. Interim transfer of mobilehome park

(a)(1) Subject to paragraph (2), change in ownership shall not include any transfer on or after January 1, 1989, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, tenant–in–common ownership group, or any other entity, including a governmental entity, if, within 18 months after the transfer, the mobilehome park is transferred by that corporation or other entity, including a governmental entity, to a nonprofit corporation, stock cooperative corporation, or other entity formed by the tenants of the mobilehome park in a transaction that is excluded from change in ownership by paragraph (1) of subdivision (a) of Section 62.1, or at least 51 percent of the mobilehome park rental spaces are transferred to the individual tenants of those spaces in a transaction excluded from change in ownership by paragraph (2) subdivision(a) of Section 62.1.

(2)(A) Any mobilehome park that was initially transferred on or after January 1, 1993, to a nonprofit corporation, stock cooperative corporation, tenant–in–common ownership group, or any other entity, including a governmental entity, that is subsequently transferred within 36 months of that initial transfer as provided in paragraph (1), shall qualify for the exclusion from change in ownership pursuant to this subdivision. In applying the 36–month limit specified in the preceding sentence to the subsequent transfer to an individual tenant, as provided in paragraph (1), of a rental space in a mobilehome park that was initially transferred on or after January 1, 1995, to a nonprofit corporation, stock cooperative corporation, tenant–in–common ownership group, or any other entity, the execution of a purchase contract and the opening of a bona fide purchase escrow with a licensed escrow agent shall be deemed to transfer the rental space in compliance with that 36–month limit, provided that both of the following conditions are met:

(i) The escrow is opened prior to the expiration of the 36–month time period.

(ii) The escrow closes on a date no later than six months after the end of the 36–month time period.

(B) A mobilehome park located within a disaster area that was initially transferred on or after October 1, 1991, and before October 31, 1991, to a nonprofit corporation, stock cooperative corporation, or other entity, that is subsequently transferred within 76 months of that initial transfer as provided in paragraph (1), shall qualify for the exclusion from change in ownership pursuant to this subdivision. For purposes of the preceding sentence, "mobilehome park located within a disaster area" means a mobilehome park that is located in the County of Los Angeles in an area for which both of the following apply:

(i) The Governor, as a result of the January 17, 1994, Northridge earthquake, has declared the area to be in a state of disaster and certified the area's need for assistance.

(ii) The President of the United States has, pursuant to federal law, determined the area to be in a state of major disaster.

The exclusion from change in ownership pursuant to this subdivision of a mobilehome park located within a disaster area shall be effective commencing with the 1995–96 fiscal year, and shall not require any affected county to refund any amount of property tax levied with respect to a mobilehome park for the period from October 1, 1991, to June 30, 1995, inclusive.

(b) With respect to any transfer of any mobilehome park on or after January 1, 1989, subject to this section, the individual tenants who are renting at least a majority of the spaces in the mobilehome park prior to the transfer to the entity formed by the tenants for the acquisition of the park shall participate in the transaction through the ownership of an aggregate of at least a majority of voting stock of, or other ownership or membership interest in, that entity.

(c) This section shall not apply if any fees charged the mobilehome park tenants in connection with either the first or second transfer exceed 15 percent of the total consideration paid for the mobilehome park in the first transfer, plus any accrued interest and taxes.

(d) If the assessor is notified in writing at the time the transferee files the change in ownership statement that the transferee intends to qualify the transfer under this section, the mobilehome park shall not be reappraised pending satisfaction of the relevant conditions set forth in this section for exclusion from change in ownership. If the transferee fails to satisfy those conditions, the assessor shall reappraise the mobilehome park and levy escape assessments or supplemental assessments, as appropriate. For escape or supplemental assessments levied pursuant to the preceding sentence with respect to a mobilehome park located within a disaster area, both of the following conditions shall apply:

(1) The limitations period shall be that period specified in either subdivision (b) of Section 532 or subdivision (d) of Section 75.11, as applicable.

(2) For purposes of applying the limitations periods specified in paragraph (1), the expiration date of the 76–month period specified in subdivision (a) shall be deemed to be the date upon which the initial transfer of the mobilehome park was reported to the assessor.

Added Stats 1988 ch 1625 § 2. Amended Stats 1991 ch 442 § 2 (SB 674), effective September 18, 1991; Stats 1992 ch 1080 § 1 (SB 1426), effective September 27, 1992. Amended Stats 1995 ch 687 § 1 (SB 53), effective October 10, 1995; Stats 1999 ch 603 § 1 (SB 42), effective October 10, 1999; Stats 2002 ch 775 § 3 (SB 2092).

VEHICLE CODE

Division 1 WORDS AND PHRASES DEFINED

§ 387. "Manufactured home"

"Manufactured home" is a manufactured home, as defined in Section 18007 of the Health and Safety Code, a commercial coach, as defined in Section 18001.8 of the Health and Safety Code, a mobilehome, as defined in Section 18008 of the Health and Safety Code, factory–built housing, as defined in Section 18971 of the Health and Safety Code, and a trailer coach which is in excess of 102 inches in width, or in excess of 40 feet in overall length measured from the foremost point of the trailer hitch to the rear extremity of the trailer. Manufactured home does not include a recreational vehicle, as defined in Section 18010 of the Health and Safety Code.

Added Stats 1980 ch 1150 § 8. Amended Stats 1983 ch 1124 § 50, operative July 1, 1984; Stats 1984 ch 1342 § 25, effective September 26, 1984, operative January 1, 1985; Stats 1986 ch 248 § 237, ch 1185 § 1.

Division 4 SPECIAL ANTITHEFT LAWS

Chapter 2 REPORTS OF STORED VEHICLES

§ 10650. Written records; Contents; Inspection by peace officer

(a) Every operator of a towing service and every keeper of a garage or trailer park shall keep a written record of every vehicle of a type subject to registration under this code stored for a period longer than 12 hours.

(b) The record shall contain the name and address of the person storing the vehicle or requesting the towing, the names of the owner and driver of the vehicle, if ascertainable, and a brief description of the vehicle including the name or make, the motor or other number of the vehicle, the nature of any damage to the vehicle, and the license number and registration number shown by the license plates or registration card, if either of the latter is attached to the vehicle in a clearly discernible place.

(c) All records shall be kept for one year from the commencement of storage and shall be open to inspection by any peace officer.

(d) Upon termination of the storage, a statement shall be added to the record as to the disposition of the vehicle, including the name and address of the person to whom the vehicle was released and the date of such release.

Enacted Stats 1959 ch 3. Amended Stats 1974 ch 271 § 1.

§ 10652. Report of vehicles stored for 30 days

Whenever any vehicle of a type subject to registration under this code has been stored in a garage, repair shop, parking lot, or trailer park for 30 days, the keeper shall report such fact to the Department of Justice by receipted mail, which shall at once notify the legal owner as of record. This section shall not apply to any vehicle stored by a peace officer or employee designated in Section 22651 pursuant to Article 3 (commencing with Section 22850) of Chapter 10 of Division 11.

Enacted Stats 1959 ch 3. Amended Stats 1965 ch 1135 § 4; Stats 1968 ch 1070 § 1; Stats 1972 ch 98 § 4, effective May 30, 1972, operative October 1, 1972; Stats 1979 ch 373 § 314; Stats 2008 ch 699 § 24 (SB 1241), effective January 1, 2009.

§ 10652.5. Motor vehicle storage fees

(a) Whenever the name and address of the legal owner of a motor vehicle is known, or may be ascertained from the registration records in the vehicle or from the records of the Department of Motor Vehicles, no fee or service charge may be imposed upon the legal owner for the parking and storage of the motor vehicle except as follows: (1) The first 15 days of possession and (2) following that 15–day period, the period commencing three days after written notice is sent by the person in possession to the legal owner by certified mail, return receipt requested, and continuing for a period not to exceed any applicable time limit set forth in Section 3068 or 3068.1 of the Civil Code.

(b) The costs of notifying the legal owner may be charged as part of the storage fee when the motor vehicle has been stored for an indefinite period of time and notice is given no sooner than the third day of possession. This subdivision also applies if the legal owner refuses to claim possession of the motor vehicle.

(c) In any action brought by, or on behalf of, a legal owner of a motor vehicle to which subdivision (a) applies, to recover a motor vehicle alleged to be withheld by the person in possession of the motor vehicle by demanding storage fees or charges for any number of days in excess of that permitted pursuant to subdivision (a), the prevailing party shall be entitled to reasonable attorney's fees, not to exceed one thousand seven hundred fifty dollars ($1,750). The recovery of those fees is in addition to any other right, remedy, or cause of action of that party.

(d) This section is not applicable to any motor vehicle stored by a levying officer acting under the authority of judicial process.

Added Stats 1973 ch 911 § 1. Amended Stats 1983 ch 913 § 1; Stats 1988 ch 1092 § 5; Stats 1991 ch 727 § 3 (AB 1882); Stats 1995 ch 289 § 1 (AB 323).

§ 10654. Renting of private building for use as garage

Every person other than the keeper of a garage renting any private building used as a private garage or space therein for the storage of a vehicle of a type subject to registration under this code, when the agreement to rent includes only the building or space therein, shall within 24 hours after the vehicle is stored therein report such fact together with the name of the tenant, and a description of the vehicle, including the name or make, the motor or other number of the vehicle, and the license number to the sheriff's office of the county or the police department of the city wherein the building is located. "Private garage" as used in this section does not include a public warehouse or public garage.

Enacted Stats 1959 ch 3.

§ 10655. Failure to make reports or keep records

No person required to keep a record or make a report under this chapter shall wilfully fail, refuse, or neglect to comply with this chapter.

Enacted Stats 1959 ch 3.

§ 10658. Recreational vehicle stored in mobilehome park; Exemption

(a) The provisions of this chapter shall not apply to the storage of any recreational vehicle owned by a mobilehome park resident and stored in a mobilehome park.

(b) As used in this section, "recreational vehicle" shall have the same meaning as defined in Section 18215.5 of the Health and Safety Code, and "mobilehome park" shall have the same meaning as defined in Section 18214 of the Health and Safety Code.

Added Stats 1974 ch 646 § 3.

Division 11 RULES OF THE ROAD

Chapter 1 OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Article 3 Local Regulation

§ 21107.9. Private roads within mobilehome park

(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 Stats 2002 ch 284 § 1 (SB 1556).

Laws and Regulations
2014 Edition

Special Occupancy Parks Act

Health and Safety Code
Public Resources Code

SPECIAL OCCUPANCY PARKS ACT

SPECIAL OCCUPANCY PARKS ACT

HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 2.3 SPECIAL OCCUPANCY PARKS ACT (FIRST OF TWO)

Chapter 1 GENERAL

§ 18860. Citation of part

This part shall be known and may be cited as the Special Occupancy Parks Act.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18861. Construction of part; Construction with other statutes

(a) The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

(b) The provisions of Part 2.1 (commencing with Section 18200) shall govern the construction, installation, maintenance, use, and occupancy of a mobilehome, manufactured home, mobilehome accessory building or structure, commercial coach, factory–built home, or permanent building in a special occupancy park.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 2 DEFINITIONS

§ 18862. "Accessory building or structure"

"Accessory building or structure" is any awning, cabana, ramada, storage cabinet, storage building, private garage, carport, fence, windbreak or porch, or any residential building or structure established for the use of the occupant of a recreational vehicle on a lot.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.1. "Approved"

"Approved" when used in connection with any material, appliance, or construction, means meeting the requirements for obtaining the approval of the department.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.3. "Building standard"

"Building standard" means building standard as defined in Section 18909.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.5. "Camping Cabin"

"Camping cabin" means a relocatable hard sided shelter with a floor area less than 400 square feet (37 square meters) without plumbing that is designed to be used within a recreational vehicle park only by a camping party. A camping cabin may contain an electrical system and electrical space conditioning equipment complying with the electrical and mechanical regulations adopted pursuant to this part and supplied by the lot service equipment. A camping cabin may be installed or occupied only in special occupancy parks, as defined by Section 18862.43, or in state parks and other state property pursuant to Chapter 1 (commencing with Section 5001) of Division 5 of the Public Resources Code.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.7. "Camping party"

"Camping party" means a person or group of not more than 10 persons occupying a campsite or "camping cabin" for not more than 30 days annually.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.9. "Campsite"

"Campsite" is an area within an incidental camping area occupied by a camping party.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.11. "Commercial coach"

"Commercial coach" as used in this part has the same meaning as defined in Section 18001.8.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.13. "Conditional permit"

"Conditional permit" means a construction, reconstruction, or operation permit issued by the enforcement agency which may prescribe conditions on the use or occupancy of a special occupancy park, subject to the provisions of this part.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.15. "Department"

"Department" is the Department of Housing and Community Development.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.17. "Enforcement agency"

"Enforcement agency" is the Department of Housing and Community Development, or any city, county, or city and county that has assumed responsibility for the enforcement of this part pursuant to Section 18865 and Part 2.1 (commencing with Section 18200) pursuant to Section 18300.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.19. "Incidental camping area"

"Incidental camping area" is any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where two or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.21. "Lease"

"Lease" is an oral or written contract for the use, possession, and occupation of property. It includes rent.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.23. "Lot"

"Lot" means any area or tract of land or portion of a special occupancy park, designated or used for the occupancy of one manufactured home, mobilehome, recreational vehicle, tent, camp car, or camping party.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.25. "Manufactured home"

"Manufactured home" shall have the same meaning as defined in Section 18007.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.27. "Mobilehome"

"Mobilehome" shall have the same meaning as defined in Section 18008.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.29. "Mobilehome park

"Mobilehome park" shall have the same meaning as used in Section 18214.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.30. "Occupant"; "Resident"

"Occupant" and "resident" shall be interchangeable and shall include "occupant," "resident," "tenant," or "guest" as used in Chapter 2.6 (commencing with Section 799.20) of the Civil Code.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.31. "Park"

"Park" means any special occupancy park.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.33. "Permanent building"

"Permanent building" means any permanent structure, other than factory–built housing, under the control and ownership of the special occupancy park owner or operator that is not on a lot.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.35. "Plan checking agency"

"Plan checking agency" means a private entity employing at least one architect or engineer licensed by the state to perform the review of plans and specifications for the construction of special occupancy parks, including buildings and permanently constructed fixtures, utility systems, streets and other regulated facilities, for the purpose of determining compliance with the applicable provisions of this part and the regulations promulgated thereunder. The plan checking agency shall submit to the department a list of all personnel performing plan checking reviews, including the individual's name, California architect or engineer license number and expiration date, and a summary of qualifications.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.37. "Recreational vehicle"

"Recreational vehicle" as used in this part has the same meaning as defined in Section 18010.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.39. "Recreational vehicle park"

(a) "Recreational vehicle park" is any area or tract of land, or a separate designated section within a mobilehome park where two or more lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate owners or users of recreational vehicles, camping cabins, or tents.

(b) Notwithstanding subdivision (a), employee housing that has obtained a permit to operate pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000)) and that both meets the criteria of Section 17021.6 and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment shall not be deemed a recreational vehicle park for the purposes of the requirement to obtain an initial or annual permit to operate or pay any fees related thereto required by this part.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004. Amended Stats 2003 ch 814 § 8 (SB 306); Stats 2006 ch 520 § 3 (SB 1802), effective January 1, 2007.

§ 18862.41. "Rent"

"Rent" is money or other consideration given for the right of use, possession, and occupation of property.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.43. "Special occupancy park"

"Special occupancy park" means a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.45. "Special purpose commercial coach"

"Special purpose commercial coach" as used in this part has the same meaning as defined in Section 18012.5.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18862.47. "Temporary recreational vehicle park"

(a) "Temporary recreational vehicle park" is any area or tract of land where two or more lots are rented, leased, or held out for rent or lease to owners or users of recreational vehicles and that is established for one operation not to exceed 11 consecutive days, and is then removed.

(b) Notwithstanding subdivision (a), an area or tract of land zoned for agricultural purposes where two or more lots are rented, leased, or held out for rent or lease to accommodate owners or users of 12 or fewer recreational vehicles for the purpose of housing agricultural employees shall not be deemed a temporary recreational vehicle park for the

purposes of the requirement to obtain an initial or annual permit to operate or pay any fees related thereto required by this part.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004. Amended Stats 2003 ch 814 § 9 (SB 306).

§ 18862.49. "Tent"

"Tent" is any enclosed structure or shelter fabricated entirely or in major part of cloth, canvas, or similar material supported by a frame.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 3 FINDINGS AND PURPOSES

§ 18863. Need for regulations

The Legislature finds and declares that increasing numbers of Californians own and use recreational vehicles for recreation, vacations, and temporary housing. Because these vehicles are highly mobile and use various facilities throughout the state, there is a need for consistent and uniform statewide regulations for special occupancy parks to assure their health, safety, and general welfare, and a decent living environment.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18863.1. Standards and requirements

The Legislature finds and declares that the standards and requirements established for construction, maintenance, occupancy, use, and design of parks should guarantee park occupants or residents maximum protection of their investment and a decent living environment. At the same time, the standards and requirements should be flexible enough to accommodate new technologies and to allow designs that reduce costs and enhance the living environment of park occupants or residents.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18863.2. Deletion of outdated requirements

The Legislature finds and declares that inclusion of specific standards within a statute often precludes the rapid and flexible action needed to correct substandard conditions, and that it is desirable to delete outdated requirements, and to add new and useful requirements designed to protect the health, safety, and general welfare of park occupants or residents or to encourage use of new technologies in the development of parks.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18863.3. Department responsibility

The Legislature finds and declares that the specific requirements relating to construction, maintenance, occupancy, use, and design of parks are best developed by the department in accordance with the criteria established by this part. Placing this responsibility with the department will allow for modifications of specific requirements in a rapid fashion and in a manner responsive to the needs of park occupants or residents and owners.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18863.4. Purpose of part

(a) It is the purpose of this part to accomplish both of the following:

(1) Assure protection of the health, safety, and general welfare of all park occupants or residents.

(2) Allow modifications in regulations adopted pursuant to this part in a manner consistent with the criteria established in this part.

(b) The regulations adopted by the department pursuant to the authority granted in this part shall provide equivalent or greater protection to occupants or residents of parks than the statutes and regulations in effect prior to January 1, 1978.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 4 APPLICATION AND SCOPE

§ 18865. Application of part; Assumption of enforcement; Conditions and qualifications; Effect of nonenforcement; Powers of local authorities

(a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part. Except as provided in Section 18930, the department may adopt regulations to interpret and make specific this part and, when adopted, the regulations shall apply to all parts of the state.

(b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may

assume the responsibility for the enforcement of both this part and Part 2.1 (commencing with Section 18200) and the regulations adopted pursuant to this part following approval by the department for the assumption.

(c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations shall not set forth requirements for local agencies different than those that the state maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of special occupancy parks within the jurisdiction of the city, county, or city and county.

(d)(1) In the event of nonenforcement of this part or the regulations adopted pursuant to this part by a city, county, or city and county, the department shall enforce both this part and Part 2.1 (commencing with Section 18200) and the regulations adopted pursuant to this part and Part 2.1 in the city, county, or city and county, after the department has given written notice to the governing body of the city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and the city, county, or city and county has failed to initiate corrective measures to carry out its responsibility within 30 days of the notice.

(2) Where the department determines that the local enforcement agency is not properly enforcing this part, the local enforcement agency may appeal the decision to the director of the department.

(e)(1) Any city, city and county, or county may cancel its assumption of responsibility for the enforcement of both this part and Part 2.1 (commencing with Section 18200) by providing written notice of cancellation to the department. The department shall assume responsibility within 90 days after receipt of the notice.

(2) A local enforcement agency that has been approved by the department to enforce the provisions of this chapter and cancels its assumption of responsibility and returns enforcement to the department under paragraph (1) shall remit to the department the fees collected under Section 18870.2 that have not been expended pursuant to this chapter and the regulations adopted thereunder, except that, for fees for a permit to operate, the local enforcement agency shall pay to the department a sum that is equal to the percentage of the year remaining before outstanding permits to operate expire. In addition, the local enforcement agency that relinquishes enforcement authority to the department shall remit to the department any fees collected pursuant to this part for permits to construct or for plan review, or both, for which a final approval of the construction has not yet been issued.

(f) Every city, county, or city and county shall, within its jurisdiction, enforce this part and the regulations adopted pursuant to this part, as they relate to recreational vehicles and to accessory buildings or structures located in both of the following areas: (1) inside of parks where the city, county, or city and county has assumed responsibility for enforcement of both this part and Part 2.1 (commencing with Section 18200), and (2) outside of parks.

(g) This part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers, from doing any of the following:

(1) Establishing, subject to the requirements of Sections 65852.3 and 65852.7 of the Government Code, certain zones for special occupancy parks within the city, county, or city and county, as defined in the zoning ordinance, or from adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for special occupancy parks.

(2) Regulating the construction and use of equipment and facilities located outside of a recreational vehicle used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when the facilities are located outside a park for which a permit is required by this part or the regulations adopted pursuant thereto.

(3) Requiring a permit to use a recreational vehicle outside a park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of recreational vehicles, which permit may be refused or revoked if the use violates this part or Part 2 (commencing with Section 18000), any regulations adopted pursuant thereto, or any local ordinance applicable to that use or Part 2.1 (commencing with Section 18200).

(h) A city, including a charter city, county, or city and county, shall not require a new park to include a clubhouse. Recreational facilities, recreational areas, accessory structures, or improvements may be required only to the extent that the facilities or improvements are required in other types of similar recreational facilities, if any, in the city, county, or city and county.

Amended Stats 2003 ch 815 § 4.5 (SB 54), operative July 1, 2005; Stats 2008 ch 138 § 4 (AB 2554), effective January 1, 2009.

§ 18865.05. Application to mobilehome park as special occupancy park

(a) This part shall also apply to any portion of a mobilehome park that is also a special occupancy park, as defined in Section 18862.43.

(b) The department shall not charge an owner of a park that is both a special occupancy park and a mobilehome park more than one annual operating permit fee pursuant to Sections 18502 and 18870.2.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.1. Applying for conditional use permit; Hearing; Notice

Any person may file an application with the governing body of any city, city and county, or county for a conditional use permit for a special occupancy park. The governing body, or the planning commission if designated by the governing body, shall hold a public hearing on any such application. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given at least two weeks before the hearing and shall be published at least once in a newspaper of general circulation, published and circulated in the city, city and county, or county, as the case may be. When any hearing is held on an application for a conditional use permit for a special occupancy park, a staff report with recommendations and the basis for such recommendations shall be included in the record of the hearing. The decision of the governing body shall be final and the reasons for the decision shall be included in the record.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.2. Exemption for time limitation for occupancy of spaces

(a) In any city, county, or city and county that has imposed a time limitation for occupancy of spaces in special occupancy parks, any special occupancy park owner may apply for an exemption to that limitation. The exemption shall be granted unless the city, county, or city and county makes a substantial finding that based on, but not limited to, the lack of needed overnight or tourist spaces in those special occupancy parks in the city, county, or city and county, that the exemption of the applicant's special occupancy park from the time limitation would cause specific adverse impacts which cannot be mitigated or avoided by providing partial exemptions as set forth in subdivision (b) or by imposing conditions pursuant to subdivision (c).

(b) The requirements of subdivision (a) may be satisfied by partial exemption if either of the following applies:

(1) A number of spaces in a special occupancy park are set aside for short–term occupancy, and the remaining spaces are exempted by the city, county, or city and county from the occupancy limitation.

(2) A city, county, or city and county finds that by increasing the maximum length of stay to a specified additional period of time for the applicant, the problems raised by the applicant for an exemption are satisfied.

(c) As an alternative to granting a partial exemption pursuant to subdivision (a), in approving a request for an exemption from special occupancy park time limitations, a city, county, or city and county may:

(1) Impose conditions to assure there will be no adverse impact on local school districts due to the additional enrollment of residents of a special occupancy park.

(2) Assure that a special occupancy park is in compliance with all regulations adopted pursuant to this part.

(d) If an exemption to a time limitation for occupancy of spaces in a special occupancy park is applied for pursuant to subdivision (a) and the special occupancy park for which the exemption is requested is located within the coastal zone, as defined in Section 30103 of the Public Resources Code, the exemption shall be granted, only, if in addition to meeting the requirements set forth in subdivision (a), the city, county, or city and county finds that granting the exemption is consistent with its certified local coastal program. If granting the exemption would be inconsistent with an approved or certified local coastal program, the applicant for the exemption may petition the appropriate city, county, or city and county to seek an amendment to its certified local coastal program. If, after consultation with the California Coastal Commission, it is determined that an amendment to the certified local coastal program is required in order to grant the exemption, the city, county, or city and county may request an amendment to the certified local coastal program within 90 days of the applicant's filing of the petition. This request may be made without regard to the limitation on the number of the amendments that can be requested during any year, pursuant to Section 30514 of the Public Resources Code. The California Coastal Commission shall certify the amendment to the local coastal program unless it finds that the certification would not be consistent with Chapter 3 (commencing with Section 30200) of Division 20 of the Public Resources Code.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.3. Adoption of regulations for considering special conditions

The department shall adopt regulations for special occupancy parks which shall take into consideration any special conditions as location, physical environment, density of usage, type of operation, type of vehicles to be accommodated, and duration of occupancy. These regulations shall establish requirements that are determined by the department to be reasonable and necessary for the protection of life and property.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.4. Part not applicable to parks or camping areas owned by federal, state or local government or political bodies

This part does not apply to any park or camping area owned, operated, and maintained by any of the following:

(a) The federal government.

(b) The state.

(c) Any agency or political subdivision of the state.

(d) Any city, county, or city and county.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.5. Application to certain apartment houses, hotels or dwellings; Application to facilities owned by public utility

(a) This part does not apply to any apartment house, hotel, or dwelling that is subject to Part 1.5 (commencing with Section 17910).

(b) This part does not apply to electric, gas, or water facilities owned, operated, and maintained by a public utility.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.6. Alternate uses; Approval of noncomformance

(a) This part is not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations adopted pursuant to this part, if the alternate use has been approved.

(b) The department may approve any alternate use if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent to that prescribed in this part and the rules and regulations adopted pursuant to this part in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant to this part, or in order to substantiate claims for alternates, the department may require proof of compliance to be made at the expense of the owner or his or her agent.

(d) The department shall notify the appropriate enforcement agency and plan checking agency of its findings.

(e) This section is not applicable to local regulations authorized by this part.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.7. Evaluation of enforcement

(a) The department shall evaluate the enforcement of this part and regulations adopted pursuant to this part by each city, county, or city and county that has assumed responsibility for enforcement.

(b) In performing this evaluation, the department shall have the following authority:

(1) To examine the records of local enforcement agencies and to secure from them reports and copies of their records at any time. However, if the department requires duplication of these records, it shall pay for the costs of duplication.

(2) To carry out any investigations it deems necessary to ensure enforcement of this part and the regulations adopted pursuant thereto.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18865.8. Delegation of department's enforcement authority

(a) The department may delegate all or any portion of the authority to enforce this part and the regulations adopted pursuant to this part, or to enforce specific sections of this part or those regulations, to a local building department or health department of any city, county, or city and county where the department is the enforcement agency, if all of the following conditions exist:

(1) The delegation of authority is necessary to provide prompt and effective recovery assistance or services during or immediately following a disaster declared by the Governor.

(2) The local building department or health department requests the authority and that request is approved by the governing body having jurisdiction over the local building department or health department.

(3) The department has determined that the local building department or health department possesses the knowledge and expertise necessary to administer the delegated responsibilities.

(b) The delegation of authority shall be limited to the time established by the department as necessary to adequately respond to the disaster, or the time period determined by the department, but in no case shall the period exceed 60 days. The delegation of authority may be limited to specific geographic areas or specific mobilehome parks or recreational vehicle parks at the sole discretion of the department.

(c) Local building departments and health departments acting pursuant to subdivision (a) may charge fees for services rendered, not to exceed the department's approved schedule of fees associated with the services provided. The department may also reimburse these local departments if funds are received for the activities undertaken pursuant to subdivision (a), but no obligation for reimbursement by the department shall accrue unless funds are allocated to the department for this purpose.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 5 ENFORCEMENT, ACTIONS, AND PROCEEDINGS

§ 18866. Authority to enforce rules and regulations

(a) The department shall enforce this part and the rules and regulations adopted pursuant to this part, except as provided in Section 18865.

(b) The officers or agents of the enforcement agency may do either of the following:

(1) Enter public or private property to determine whether there exists any park to which this part applies.

(2) Enter and inspect all parks, wherever situated, and inspect all accommodations, equipment, or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of this part and the regulations adopted pursuant to this part.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18866.1. Records of inspections

Enforcement agencies responsible for the enforcement of this part and the regulations adopted pursuant to this part shall maintain all records on file of special occupancy park inspections.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18866.2. Notice of violation

Any notice of violation of this part, or any rule or regulation adopted pursuant thereto, issued by the enforcement agency shall be issued to the appropriate persons designated in Section 18867 and shall include a statement that any willful violation is a misdemeanor under Section 18874.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004. Amended Stats 2011 ch 239 § 8 (SB 562), effective January 1, 2012.

§ 18866.3. Time period for abatement of nuisance

The owner or operator of a park shall abate any nuisance in the park within five days, or within such longer period of time as may be allowed by the enforcement agency, after he or she has been given written notice to remove the nuisance. If he or she fails to do so within that time, the district attorney of the county in which the park, or the greater portion of the park, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18866.4. Proof required for order of abatement

In any action or proceeding to abate a nuisance in a park, proof of any one of the following facts is sufficient for a judgment or order for the abatement of the nuisance, violation, or operation of the park:

(a) A previous conviction of the owner or operator of a violation of this part or Part 2.1 (commencing with Section 18200) or a regulation adopted pursuant to this part or Part 2.1 (commencing with Section 18200) that constitutes a nuisance or failure on the part of the owner or operator to correct the violation after the conviction.

(b) The violation is the basis for the proceeding.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18866.5. Institution of appropriate action; Court authority

(a) If any park or portion thereof governed by this part is constructed, altered, converted, used, occupied, or maintained in violation of this part, the regulations adopted pursuant to this part, or any order or notice issued by the enforcement agency that allows a reasonable time to correct the violation, the enforcement agency may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation.

(b) The superior court may make any order for which application is made pursuant to this part.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18866.6. Public access to coastline, shoreline, river, waterway, lake or reservoir fronted by park

(a) No enforcement agency shall approve any park fronting upon any coastline, shoreline, river, or waterway or upon any lake or reservoir owned in whole or part by any public agency, including the state, unless the city, county, or city and county having jurisdiction over the property has determined that reasonable public access by fee or easement from public highways exists to the coastline, shoreline, river, waterway, lake or reservoir.

(b) Any public access route or routes required to be provided by the owner shall be expressly designated on a map filed with the county recorder of the county in which the park lies, and the map shall specify the name of the owner of, and particularly describe the property involved, and designate the governmental entity to which the route or routes are dedicated. A governmental entity shall accept the dedication within three years after the recordation or the dedication shall be deemed abandoned.

(c) Any public access required pursuant to this section need not be provided through or across the park if the city, county, or city and county having jurisdiction has made a finding that reasonable public access is otherwise available within a reasonable distance from the park. Any such findings shall be set forth on the recorded map required by this section.

(d) Nothing in this section shall be construed as requiring a park owner to improve any access route or routes that are primarily for the benefit of nontenants, nonoccupants, or nonresidents of the park.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 6 NOTICE OF VIOLATIONS

§ 18867. Notice to correct violation; Time limitation for issuance; Reinspection

(a)(1) If, upon inspection, the enforcement agency determines that a special occupancy park is in violation of any provision of this part, or any rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the owner or operator of the special occupancy park and to the responsible person, as defined in Section 18871.8.

(2) If a violation constitutes an imminent threat to health and safety, the notice of violation shall be issued immediately and served on the owner or operator of the special occupancy park and to the responsible person, as defined in Section 18871.8.

(3) The owner or operator of the park shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(b)(1) If, upon inspection, the enforcement agency determines that a recreational vehicle, an accessory building or structure, or lot is in violation of any provision of Chapter 7 (commencing with Section 18870), Chapter 8 (commencing with Section 18871), Chapter 9 (commencing with Section 18872), or any regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the registered owner of the recreational vehicle, with a copy to the occupant thereof, if different from the registered owner.

(2) If a violation is discovered that constitutes an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, the notice of violation shall be issued immediately and served upon the occupant, with a copy mailed to the registered owner of the recreational vehicle, if different from the occupant, to the owner or operator of the special occupancy park, and to the responsible person, as defined in Section 18871.8.

(3) The registered owner or the occupant of the recreational vehicle shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(4) The enforcement agency may issue a notice of violation in accordance with this chapter to the owner and occupant of a recreational vehicle, mobilehome, manufactured home, park trailer, or of factory-built housing which occupies a lot within a special occupancy park.

(c)(1) Service of the notice of violation shall be effected either personally or by first-class mail. Each notice of violation shall be in writing and shall describe with particularity the nature of the violation in as clear language as the technicality of the violation will allow the average layperson to understand what is being cited, including a reference to the statutory provisions or regulation alleged to have been violated, as well as any penalty provided by law for failure to make timely correction.

(2) For violations other than imminent threats to health and safety as provided in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b), the notice of violation shall allow 30 days from the postmarked date of the notice or date of personal delivery for the elimination of the condition constituting the alleged violation.

(3) If, after the reinspection of a violation described in paragraph (2) of this subdivision, the enforcement agency determines that there is a valid reason why a violation has not been corrected, including, but not limited to, weather conditions, illness, availability of repair persons, or availability of financial resources, the enforcement agency may extend the time for correction, at its discretion, for a reasonable period of time after the 30-day period.

(4) Upon a reinspection after the 30-day period of a violation described in paragraph (2) of this subdivision, if a second notice to correct a violation that is the responsibility of the registered owner of the manufactured home or mobilehome or owner of the recreational vehicle pursuant to paragraph (1) of subdivision (b) is issued to the registered owner of a manufactured home or mobilehome or recreational vehicle, with a copy to the occupant thereof, if different from the registered owner, a copy of the notice shall also be provided to the owner or operator of the special occupancy park, and to the responsible person as defined in Section 18871.8.

(5) If a second notice to correct a park violation pursuant to paragraph (1) of subdivision (a) is issued to the owner or operator of the park and to the responsible person, as defined in Section 18871.8, the enforcement agency shall post a copy of the violation in a conspicuous place in the park common area, and the posted notice shall only be removed by the enforcement agency when the violation is corrected.

(6) All violations described in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b) shall be corrected within a reasonable time as determined by the enforcement agency. Notices of those violations shall state the time determined by the enforcement agency within which corrections must be made.

(d) Notwithstanding any other provision of law, the enforcement agency may, at its sole discretion, determine not to issue a notice of violation pursuant to this chapter if the condition which violates this part or the regulations adopted pursuant thereto does not constitute an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction. If the enforcement agency determines, pursuant to this subdivision, not to issue a notice of violation, the enforcement agency shall include in its inspection report a description of the condition that violates this part and its determination not to issue a notice of violation.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004. Amended Stats 2005 ch 595 § 13 (SB 253), effective January 1, 2006.

§ 18868. Disputes of enforcement agency determinations; Informal conference

If the owner or operator of the special occupancy park or the registered owner or occupant of the mobilehome, manufactured home, or recreational vehicle disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation, the owner or operator of the special occupancy park or the registered owner or occupant of the mobilehome, manufactured home, or recreational vehicle may request an informal conference with the enforcement agency. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18869. Construction of remedies

The remedies provided by this chapter are cumulative, and shall not be construed to supersede other provisions of law providing sanctions for violators of this part, including, but not limited to, Sections 18870.11 and 18874. Nothing in this chapter shall be construed to restrict any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 7 PERMITS AND FEES

§ 18870. Actions requiring fees

It is unlawful for any person to do any of the following unless he or she has a valid permit issued by the enforcement agency:

(a) Construct a park.

(b) Construct additional buildings or lots, or alter buildings, lots, or other installations, in an existing park.

(c) Operate, occupy, rent, lease, sublease, let out, or hire out for occupancy any lot in a park that has been constructed, reconstructed, or altered without having obtained a permit as required herein.

(d) Operate a park or any portion thereof.

This section shall not apply to any employee housing having a valid annual permit to operate.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.1. Accompanying documentation required

Applications for a permit to construct or reconstruct shall be accompanied by:

(a) A description of the grounds.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage and method of sewage disposal.

(d) Appropriate fees.

(e) Evidence of compliance with all valid local planning, health, utility and fire requirements.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.2. Fees

Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one–half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars ($10).

(c) Except for a temporary recreational vehicle park, an annual operating permit fee of twenty–five dollars ($25) and an additional two dollars ($2) per lot or two dollars ($2) per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area.

(d) Temporary recreational vehicle park operating permit fee of twenty–five dollars ($25), with no additional fee for the lots.

(e) Change in name fee or transfer of ownership or possession fee of ten dollars ($10).

(f) Duplicate permit fee or amended permit fee of ten dollars ($10).

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.3. Collection of funds; Department authority to set fees; Increase in fees; Revenue from fees not to exceed department expenses

(a) Funds collected by the department pursuant to this part shall be deposited into the Mobilehome Parks and Special Occupancy Parks Revolving Fund established pursuant to Section 18502.5. Moneys deposited in the fund shall be available, upon appropriation, to the department for expenditure in carrying out the provisions of this part

and Part 2.1 (commencing with Section 18200). The department shall, by January 1, 2003, establish procedures that permit the identification of revenues received by the fund and expenditures paid out of the fund as they relate to mobilehome parks and special occupancy parks.

(b) Notwithstanding any maximum fees set by this part, the department may set, by regulation, fees charged by the department for all permits and for the department's activities required by this part. The fees shall be set with the primary objective that the aggregate revenue deposited in the Mobilehome Parks and Special Occupancy Parks Revolving Fund by or on behalf of special occupancy parks shall not, on an annual basis, exceed the costs of the department's activities mandated by this part.

(c) No proposed increase in fees may be effective any sooner than 45 days after written notification thereof is provided to the Chairperson of the Joint Legislative Audit Committee and the State Auditor. Upon receipt of the notification, the State Auditor may prepare a report to the Legislature that indicates whether the proposed increase is appropriate and consistent with this part.

(d) The total money contained in the Mobilehome Parks and Special Occupancy Parks Revolving Fund on June 30 of each fiscal year shall not exceed the amount of money needed for the department's operating expenses for one year for the enforcement of this part and Part 2.1 (commencing with Section 18200). If the total money contained in the fund exceeds this amount, the department shall make appropriate reductions in the schedule of fees authorized by this section, Section 18502.5, or both.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.4. Authority to establish schedule of fees

(a) Except as otherwise provided in subdivision (b), the department by administrative rule and regulation shall establish a schedule of fees relating to all construction, mechanical, electrical, plumbing, and installation permits. The fees shall apply to and be paid to the enforcement agency. Fees established for construction, mechanical, electrical, and plumbing permits shall be reasonably consistent with the current edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, and the National Electrical Code as published by the National Fire Protection Association.

(b) Fees for construction, mechanical, electrical, plumbing, and installation permits in temporary recreational vehicle parks shall be determined by the enforcement agency for each project, based on the cost of administration and enforcement, including the cost of determining the amount of fees to be charged.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.5. Fees increased for failure to obtain permits

Any person responsible for obtaining any of the permits required by this chapter, Chapter 8 (commencing with Section 18871), or the regulations adopted pursuant to either of these chapters, who fails to obtain those permits, shall pay double the fees prescribed in this chapter, Chapter 8 (commencing with Section 18871), or the regulations adopted pursuant to either of these chapters, as applicable.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.6. Permit to operate; Approval by local enforcement agency

A permit to operate shall be issued by the department following notification by the local enforcement agency of completion of construction of a new park or additional lots to an existing park. The local enforcement agency shall, by approving the application for a permit to operate, authorize occupancy of the newly constructed facilities. Upon approval by the local enforcement agency, one copy of the permit application shall be provided to the applicant and one copy shall be forwarded to the department.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.7. Permit issuance; Method and schedule; Notice of certain laws required; Penalty for late application

A permit to operate shall be issued by the enforcement agency. A copy of each permit to operate shall be forwarded to the department. A permit to operate shall not be issued for a park when the previous operating permit has been suspended by the enforcement agency until the violations that were the basis for the suspension have been corrected. Any park that was in existence on September 15, 1961, shall not be denied a permit to operate if the park complied with the law that this part directly or indirectly supersedes. A permit to operate shall be issued for a 12-month period and invoiced according to a method and schedule established by the department. The invoice shall provide notice of the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code) and the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), as applicable to the park. Permit applications returned to the enforcement agency 30 days after the due date shall be subject to a penalty fee equal to 10 percent of the established fee. The penalty fee for submitting a permit application 60 or more days after the due date shall equal 100 percent of the established permit fee. The penalty and the established permit fee shall be paid prior to issuance of the permit, and the

fee and 100 percent penalty shall be due upon demand of the enforcement agency for any park that has not applied for a permit.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004. Amended Stats 2012 ch 307 § 2 (SB 149), effective January 1, 2013.

§ 18870.8. Notification of change in name, possession, or ownership; Written notice; Fee

(a) The enforcement agency shall be notified by the new owner or operator of any park of any change in the name or ownership or possession thereof. The notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by the appropriate fees to the enforcement agency. Following receipt of the notice and fee, the enforcement agency shall record the change of ownership or possession and shall issue an amended permit to operate, except as provided in Section 18870.7.

(b) In case of any change in name or transfer of ownership or possession prior to completion of construction, no additional fee for a construction permit is required, provided that the new owner completes construction in accordance with prior enforcement agency approved plans and specifications. However, if there is any substantial deviation from the approved plans and specifications, a new application for a permit to construct shall be submitted, accompanied by revised plans and specifications and the appropriate fees.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.9. Posting permits

Permits for construction and operation shall be posted in a conspicuous place.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.10. Expiration of permits

All permits as required by this chapter for construction or reconstruction shall automatically expire within six months from the date of issuance thereof in those cases where the construction or reconstruction has not been completed within that period. However, the enforcement agency may extend the expiration date of the permit for a reasonable time.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.11. Suspension of permit

If any person who holds a permit to operate violates the permit or this part, the permit may be suspended by the enforcement agency. This section does not, however, authorize the suspension of a permit of any park existing on September 15, 1961, for any violation of this part directly or indirectly that was not a violation of the law that this part supersedes.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.12. Notice of violation of permit

The enforcement agency shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit or this code have been violated, and shall notify him or her that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.13. Service of notice of violation

The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.14. Petition for hearing

Any permittee receiving a notice issued pursuant to Section 18870.12 may request and shall be granted a hearing on the matter before an authorized representative of the enforcement agency. The permittee shall file with the enforcement agency a written petition requesting the hearing and setting forth a brief statement of the grounds therefor within 10 days of the date of mailing of the notice.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.15. Written notice of time and place of hearing; Opportunity to be heard

Upon receipt of the petition, the enforcement agency shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing the petitioner shall be given an opportunity to be heard and to show cause, if any, why the notice should be modified or withdrawn.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.16. Setting date of hearing

The hearing shall be commenced not later than 10 days after the day on which such petition was filed. Upon application of the petitioner the enforcement agency may, however, postpone the date of the hearing for a reasonable time beyond the 10–day period, if in its judgment the petitioner has submitted a good and sufficient reason for the postponement.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.17. Agency action following hearing

After the hearing the enforcement agency shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this part have been complied with.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.18. Time limitation for compliance with notice

If the requirements of the notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the enforcement agency may suspend the permit.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18870.19. Issuance or reinstatement upon compliance

Upon compliance by the permittee with the provisions of this part and of the notice, and submission of proof thereof to the enforcement agency, the enforcement agency shall reinstate the permit or issue a new permit.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 8 REGULATIONS—GENERAL PROVISIONS

§ 18871. Unlawful use outside of Special occupancy parks

It is unlawful for any person to use or cause, or permit to be used for occupancy, any of the following manufactured homes, mobilehomes, park trailers, or recreational vehicles in a park or recreational vehicles outside of special occupancy parks:

(a) Any recreational vehicle, park trailer, mobilehome, or manufactured home supplied with fuel, gas, water, electricity, or sewage connections, unless the connections and installations conform to regulations of the department.

(b) Any recreational vehicle, mobilehome, or manufactured home that is permanently attached with underpinning or foundation to the ground, except for a mobilehome or manufactured home bearing a department insignia or federal label that is installed in accordance with Part 2.1 (commencing with Section 18200), and any recreational vehicle, mobilehome, manufactured home, or park trailer that is not in compliance with Sections 18027.3 and 18871.5.

(c) Any recreational vehicle, mobilehome, or manufactured home in an unsafe or unsanitary condition or that is structurally unsound and does not protect its occupants against the elements.

(d) Any mobilehome or manufactured home that does not conform to the registration requirements of the department.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.2. Installation on foundation system; Removal

If a manufactured home, mobilehome, or commercial coach is to be installed on a foundation system and located in a park, the installation shall comply with Section 18551. Should the manufactured home, mobilehome, or commercial coach be subsequently removed from the foundation system, the removal shall comply with Section 18551.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.3. Standards and regulations for construction, location and use of accessory structures

The department shall propose the adoption of and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt other regulations for accessory buildings or structures located in a park. The regulations shall provide for the construction, location, and use of accessory buildings or structures located in a special occupancy park to protect the health and safety of the occupants and the public, and shall be enforced by the appropriate enforcement agency.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.4. Discharge or deposit of wastewater, sewage, or waste material; Enforcement; Responsibility in case of mobilehome, manufactured home, or recreational vehicle; Rules and regulations

(a) It is unlawful to permit any wastewater, sewage, or waste material from any plumbing fixtures in a park, any park sewage or waste disposal system, or any plumbing fixtures in a manufactured home, mobilehome, recreational

vehicle, accessory structure, or permanent building in the park, to be discharged onto or deposited upon the ground.

(b) The enforcement agency may order the removal, sanitation, or both, of any wastewater, sewage, or waste material discharged onto or deposited upon the surface of the ground, or may require the removal, sanitation, or both, of the wastewater, sewage, or waste material, in a manner consistent with the requirements of, and in consultation with, the local health department or agency.

(c) Pursuant to this section, the registered owner of a mobilehome, manufactured home, or recreational vehicle shall be responsible for complying with an order, or the correction of a citation, issued by the enforcement agency, and the costs of that order, whenever wastewater, sewage, or waste material is discharged onto or deposited upon the surface of the ground as a result of leaks from plumbing fixtures in a manufactured home, mobilehome, or recreational vehicle, or accessory structure, or whenever those leaks come from plumbing on the space or lot that connects the home or recreational vehicle or accessory structure to the park's sewer, septic, or drain system on the home or vehicle registered owner's side of the connection, if the discharge or deposit is determined by the enforcement agency to be the fault of the registered owner of the home or recreational vehicle.

(d) Except as provided in Section 18930, the department may adopt any rules and regulations that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section.

Added Stats 2007 ch 557 § 3 (SB 589), effective January 1, 2008.

§ 18871.5. Label or insignia required for rented or leased recreational vehicles

(a) No recreational vehicle within a park shall be rented or leased unless it bears a label, an insignia, or an insignia of approval required by Section 18027.3.

(b) A recreational vehicle that does not bear a label, an insignia, or an insignia of approval, as required by subdivision (f) or (g) of Section 18027.3, may not occupy any lot in a park unless the vehicle owner provides reasonable proof of compliance with ANSI Standard No. A119.2 or A119.5 depending upon whether it is a recreational vehicle or park trailer. A department label or insignia shall constitute one form of reasonable proof of compliance with ANSI standards. This subdivision does not apply to a recreational vehicle occupying a lot in a special occupancy park on December 31, 1998, unless the vehicle is moved to a different park on or after January 1, 1999.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.6. Animal control within parks

The department shall adopt regulations to ensure adequate animal control within parks.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.7. Artificial lighting

In every park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing toilets and showers, and roadways and walkways within the park.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.8. Availability of operation and maintenance emergency attendant

(a) In every park, there shall be a person available to receive by telephonic or like means, including telephones, cellular telephones, 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 and shall have knowledge of emergency procedures relative to utility systems and common facilities under the ownership and control of the owner of the park and 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 former Office of Emergency Services 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 California Emergency Management Agency, 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.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004. Amended Stats 2009 ch 551 § 3 (SB 23), effective January 1, 2010.

§ 18871.9. Register kept on premises;

Every person who owns or operates an incidental camping area with an attendant on the premises shall keep a register in which shall be entered all of the following:

(a) The name and address of the owner or occupant of each recreational vehicle or each person in a camping party.

(b) The make, type and license number of the recreational vehicle and the state in which the recreational vehicle is registered and the year of registration as shown on the license plates attached to it when a recreational vehicle is to be located on a lot.

(c) Dates of occupancy, not to exceed 30 days annually.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.10. Regulations to govern use and occupancy of homes and recreational vehicles

The department shall adopt regulations to govern the use and occupancy of manufactured homes, mobilehomes, and recreational vehicles located in special occupancy parks. Those regulations shall establish minimum requirements to protect the health and safety of the tenants, occupants, and residents and the public, and shall also provide for the repair or abatement of any unsafe or unsanitary condition of a manufactured home, mobilehome, park trailer, or recreational vehicle or the electrical, mechanical, or plumbing installations therein.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18871.11. Design of camping cabins

(a) A camping cabin shall be designed to resist the following live loads: (1) floor live loads not less than 40 pounds per square foot of floor area; (2) horizontal live loads not less than 15 pounds per square foot of vertical wall and roof area; and (3) roof live loads not less than 20 pounds per square foot of horizontal roof area. In areas where snow loads are greater than 20 pounds per square foot, the roof shall be designed and constructed to resist these additional loads.

(b) Each sleeping room in a camping cabin shall have a second exit to the outside of the camping cabin, except that a window exit may be permitted as an alternative if the opening is not less than 20 inches wide and 24 inches high and the bottom of the window is located not more than 44 inches above the floor.

(c) Each sleeping room in a camping cabin shall be provided with an approved smoke detector. If the camping cabin contains an electrical system, the smoke detector shall be energized from that electrical system with a battery backup. If there is no electrical system in the camping cabin, a battery–operated smoke detector is permitted.

(d) All wall and ceiling surfaces in a camping cabin shall have a flame spread rating of not more than 200.

(e) Fuel–burning heating or cooking appliances shall not be operated within a camping cabin.

(f) Access for disabled persons to camping cabins shall be provided in conformance with applicable state and federal laws.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 9 LOTS

§ 18872. Adoption of regulations governing construction, use, occupancy and maintenance of parks and lots within parks

Except as provided in Section 18930, the department shall adopt regulations to govern the construction, use, occupancy, and maintenance of parks and lots within the parks. The regulations adopted by the department shall establish standards and requirements that protect the health, safety, and general welfare of the occupants and residents of parks. The regulations adopted by the department shall provide equivalent or greater protection to the residents of parks than the statutes and regulations in effect on December 31, 1977.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18872.1. Integrity of park lot lines; Prerequisites to creating, moving and shifting; Application for lot line alteration permit; Fee; Submission to local planning agency

(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 occupant or occupants, resident, or tenant, if

any, of 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 an occupant of 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 occupants, residents, or tenants, if any, of the lot or lots that would be altered by the proposed lot line change and the written authorization of the occupants, residents, or tenants. The enforcement agency may require, as part of the application for the permit, that the 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 lot lines. If submission of a plot plan is required, the park owner or operator shall provide a copy of the plot plan to the occupants, residents, or tenants of 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 occupants, residents, or tenants.

(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.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004. Amended Stats 2003 ch 815 § 5 (SB 54), operative July 1, 2005.

§ 18872.2. Regulations governing lot access and driveways

Except as provided in Section 18930, the department shall adopt regulations to govern lot access and driveways within parks. The regulations shall establish standards or requirements that protect the health, safety, and general welfare of the occupants and residents of parks and shall require proper maintenance of lot access and driveways. The regulations shall provide equivalent or greater protection to the occupants and residents of parks than the statutes and regulations in effect on December 31, 1977.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 10 BUILDING CONSTRUCTION, PLUMBING, ELECTRICAL, FUEL GASES, AND FIRE PROTECTION

§ 18873. Regulations and standards for construction of buildings

The department shall adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to the construction of all permanent buildings in a park, except in a park in a city, county, or city and county that has adopted and is enforcing a building code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18873.1. Adoption of plumbing regulations and standards

The department shall adopt the regulations regarding plumbing in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to all plumbing within permanent buildings, except a park in a city, county, or city and county that has adopted and is enforcing a plumbing code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18873.2. Adoption of regulations for toilets, showers and laundry facilities; Building standards

The department shall adopt regulations for toilet, shower, and laundry facilities in parks. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall establish standards and requirements that protect the health, safety, and general welfare of the tenants, occupants, and residents of parks, and shall require proper maintenance of those facilities. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall provide equivalent or greater protection to the residents of parks than the statutes and regulations in effect on December 31, 1977.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18873.3. Adoption of regulations and standards for electrical wiring, fixtures, and equipment

The department shall adopt regulations regarding electrical wiring, fixtures, and equipment installed in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to all electrical wiring, fixtures, and equipment installed within permanent buildings, except within a park in a city, county, or city and county that has adopted and is enforcing an electrical code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18873.4. Adoption of regulations and standards for fuel gas equipment and installations

The department shall adopt regulations regarding fuel gas equipment and installations in parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The building standards published in the California Building Standards Code and the other regulations adopted by the department shall apply to all fuel gas equipment and installations within permanent buildings, except within a park in a city, county, or city and county that has adopted and is enforcing a gas code with amendments adopted pursuant to Section 17958.5 and which city, county, or city and county is the enforcement agency.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

§ 18873.5. Adoption of fire protection standards and regulations

(a) The department shall adopt regulations that it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks. The department shall propose and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section within permanent buildings. The department, in consultation with local firefighting agencies, shall adopt and implement regulations that require regular maintenance and periodic inspection and testing of fire hydrants in parks.

(b) The regulations adopted by the department shall apply in all parks, except in a park within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by those building standards published in the California Building Standards Code and the other regulations adopted by the department.

(c) Notwithstanding this section, the regulations adopted by the department relating to the installation of water supply and fire hydrant systems shall not apply within parks constructed, or approved for construction, prior to January 1, 1966.

(d) Notwithstanding the provisions of this section, a city, county, city and county, or special district that is not the enforcement agency under this part may enforce its fire prevention code in parks relating to fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, debris abatement, combustible storage abatement, and burglar bars. Before assuming fire code enforcement in accordance with this subdivision, a city, county, city and county, or special district shall give the department a 30–day written notice. A city, county, city and county, or special district that enforces its fire prevention code pursuant to this subdivision shall apply its code provisions to conditions that arise on or after adoption of its fire prevention code, or to conditions that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

Chapter 11 PENALTIES

§ 18874. Penalties for willful violation of this part

(a) Any person who willfully violates this part, building standards published in the California Building Standards Code relating thereto, or any other regulations adopted by the department pursuant to this part is guilty of a misdemeanor and shall be punished by a fine not exceeding four hundred dollars ($400) or by imprisonment in the county jail not exceeding 30 days, or by both that fine and imprisonment.

(b) Any permitholder who willfully violates this part, building standards published in the California Building Standards Code relating thereto, or any other regulations adopted by the department pursuant to this part shall be subject to suspension or revocation of his or her permit to operate.

(c) Any person who willfully violates this part, any building standard published in the California Building Standards Code relating thereto, or any other regulation adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars ($500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Added Stats 2001 ch 434 § 39 (SB 325), operative January 1, 2004.

PUBLIC RESOURCES CODE

Division 5 PARKS AND MONUMENTS

Chapter 1 STATE PARKS AND MONUMENTS

Article 1 State Park System

§ 5003.4. Parking facilities for house trailers

There shall be provided in each state park in which camping is permitted those parking facilities for recreational vehicles, as defined by Section 18010 of the Health and Safety Code, that can be accommodated within the park consistent with the objective of providing camping facilities for the public in these parks. In addition, the Department of Parks and Recreation may install or permit the installation of camping cabins, as defined by Section 18862.5 of the Health and Safety Code, within the units of the state park system if installation of camping cabins is consistent with the general plan of the unit.

Added Stats 1959 ch 1468 § 1. Amended Stats 2000 ch 542 § 5 (AB 2015); Stats 2001 ch 434 § 40 (SB 325).

Laws and Regulations
2014 Edition

Special Occupancy Parks — Regulations

Title 25. Housing and Community Development

SPECIAL OCCUPANCY PARKS—REGULATIONS

Title 25. Housing and Community Development
Division 1. Housing and Community Development
Chapter 2.2. Special Occupancy Parks
Article 1. Administration and Enforcement

Article 2. General Park Requirements

SPECIAL OCCUPANCY PARKS—REGULATIONS

Title 25. HOUSING AND COMMUNITY DEVELOPMENT

Division 1. HOUSING AND COMMUNITY DEVELOPMENT

Chapter 2.2. SPECIAL OCCUPANCY PARKS

Article 1. Administration and Enforcement

§ 2000. Application and Scope

(a) Except as otherwise explicitly provided in sections 18865(g), 18865.4, and 18865.5(b), Health and Safety Code, the provisions of this chapter shall apply to the construction, use, maintenance and occupancy of special occupancy park lots, including separate designated sections within mobilehome parks, permanent buildings, accessory buildings or structures, and building components wherever located, both within and outside of special occupancy parks, in all parts of the state. These provisions shall also apply to the use, maintenance and occupancy of recreational vehicles and the installations for supplying fuel gas, water, electricity and the disposal of sewage from accessory buildings or structures, building components, and recreational vehicles, wherever located within special occupancy parks in all parts of the state.

(b) Provisions that apply to mobilehome parks are located in Title 25, California Code of Regulations, Division 1 chapter 2 of this division.

(c) Mobilehomes or manufactured homes, and their accessory buildings or structures, located in special occupancy parks in accordance with section 2118, shall comply with the requirements contained in chapter 2.

(d) Existing construction, connections, and installations of units, accessory buildings and structures, building components, plumbing, electrical, fuel gas, fire protection, earthquake resistant bracing, and permanent buildings made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18613, 18865.3, 18865.4, 18871.3, 18871.10, 18872, 18872.2, 18873, 18873.1, 18873.2, 18873.3, 18873.4 and 18873.5, Health and Safety Code.
HISTORY:
1. New Chapter 2.2 (articles 1–11, sections 2000–2758), article 1 (sections 2000–2050) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2002. Definitions

In addition to the definitions contained in this section which apply only to this chapter, the definitions contained in sections 18860-18874 of the Health and Safety Code and those definitions relating to building standards contained in Title 24, California Code of Regulations Parts 2, 3, 4 and 5, are also applicable to the requirements of this chapter.

(a) -A-

(1) Accessory building or structure. Any awning, window awning, cabana, ramada, storage cabinet, storage building, carport, fence, stairway, ramp, or porch, or any other building or structure other than a patio established for the use of the occupant of a unit on a lot.

(2) Approved. Reviewed and/or inspected and deemed acceptable to the enforcement agency.

(3) Architect. A person licensed by the State of California, qualified to practice architecture in this state. For purposes of this chapter, an architect designing or approving plans shall have skill, knowledge, and expertise in that scope of practice.

(4) Awning. An accessory structure, used for shade or weather protection, constructed of cloth, canvas or other flexible material supported by one or more posts or columns and partially supported by the unit installed, erected, or used on a lot.

(5) Awning Enclosure. An enclosure designed for outdoor recreational purposes, not for habitation, constructed under an awning or freestanding awning, which may include a screen room, and either an accessory building or structure, or a building component.

(6) Awning, Freestanding. An accessory structure, used for shade or weather protection, supported entirely by columns or posts and, other than with flashing, not attached to or supported by a unit or other accessory structure.

(7) Awning, Window or Door. An accessory structure, used for shading a window or door, supported wholly by the unit or other accessory building or structure to which it is attached.

(b) -B-

(1) Branch Water Service Line. That portion of the water distribution system extending from the park water main to a lot, including connections, devices and appurtenances.

(2) Building Components. Any subsystem, subassembly, or other system, constructed or assembled in accordance with the provisions of California Factory-Built Housing Law, contained in the California Health and Safety Code commencing with section 19960, designated for use in, or as part of, an accessory building or structure, which may include structural, mechanical, electrical, plumbing, and fire-protection systems and other systems affecting health and safety. However, building components do not include appliances or equipment such as heaters, stoves, refrigerators, or air conditioners which have been listed and labeled by an approved listing agency.

(3) Building Standard. Any rule, regulation, or other requirement adopted by the Building Standards Commission or a local government pursuant to section 17958.5 of the Health and Safety Code pertaining to the construction, plumbing, electrical, and fuel gas equipment, and installations within permanent buildings in parks.

(c) -C-

(1) Cabana. A freestanding accessory building or structure, or building component of an MH-unit, located immediately adjacent to and intended to increase the usable area of that unit, which is a portable, demountable, or permanent room enclosure or other building generally erected or constructed for habitation. A cabana may include closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, storage spaces, utility rooms, and similar spaces. The total floor area of a cabana(s) on a lot shall not exceed the total floor area of the unit to which it is an accessory.

(2) California Building Code. California Code of Regulations, Title 24, Part 2, as adopted and published by the California Building Standards Commission.

(3) California Electrical Code. California Code of Regulations, Title 24, Part 3, as adopted and published by the California Building Standards Commission.

(4) California Fire Code. California Code of Regulations, Title 24, Part 9, as adopted and published by the California Building Standards Commission.

(5) California Mechanical Code. California Code of Regulations, Title 24, Part 4, as adopted and published by the California Building Standards Commission.

(6) California Plumbing Code. California Code of Regulations, Title 24, Part 5, as adopted and published by the California Building Standards Commission.

(7) California Residential Code. California Code of Regulations, Title 24, Part 2.5, as adopted and published by the California Building Standards Commission.

(8) Camping Area. Any area or tract of land where one or more lots or campsites are rented or leased or held out for rent or lease to accommodate camping parties.

(9) Camping Cabin. A relocatable hard-sided shelter, for use by a camping party, as defined in Health and Safety Code section 18862.5. All camping cabins are dependent units.

(10) Camping Party. A person or group of not more than ten (10) persons occupying a campsite or camping cabin for not more than thirty (30) days annually.

(11) Campsite. A designated area or lot within an incidental camping area used for occupation by a camping party.

(12) Carport. An accessory structure, used for shade or weather protection for a vehicle or vehicles which shall be freestanding.

(13) Cited Person. A person or entity issued a notice of violation for a violation of this chapter or applicable laws who is responsible for its correction.

(14) Combustible. As applied to building construction is any material or construction which does not meet the criteria of noncombustible as defined in subsection (n) of this section.

(15) Common Area. An area, within the boundaries of the park, that is not specific to any lot or space and is under the ownership and control of the park.

(16) Commercial Modular. “Commercial modular” means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in section 635 of the Vehicle Code. “Commercial coach” has the same meaning as “commercial modular” as that term is defined in section 18001.8 of the Health and Safety Code.

(17) Concrete Block Pier. An assembly of load-bearing, concrete blocks with wooden wedges used to level a unit.

(18) Concrete Pier. A concrete load-bearing support that incorporates into its structure an adjustable means of raising and leveling the unit.

(19) Contractor. Any person as defined in Business and Professions Code sections 7026 through 7026.3.

(d) -D-

(1) Department. The Department of Housing and Community Development.

(2) Dependent Unit. A unit not equipped with a toilet and sewage disposal system. All camping cabins and tents are dependent units.

(3) Drain Connector. The extension from the a unit or accessory building or structure drain outlet, to the lot drain inlet.

(4) Drain Outlet. The discharge end of a unit or accessory building or structure’s, sewage drainage system.

(5) Dry Camp. A camping area where a supply of potable water is unavailable within the camping area.

(e) -E-

(1) Electrical Service, Park. The conductors and equipment for delivering electrical energy from the electrical supply system or the generator of an isolated plant, to the electrical wiring system of the park.

(2) Electrical System, Park-Primary. That part of the electrical wiring system of the park distributing electrical energy to the park's secondary electrical system.

(3) Electrical System, Park-Secondary. That part of the electrical wiring system of the park distributing electrical energy at a nominal 120 or 120/240 volts, single phase.

(4) Electrical Wiring System, Park. All of the electrical equipment, appurtenances and related electrical installations outside of permanent buildings, units, and accessory buildings or structures within a park.

(5) Emergency. An occurrence constituting a current or imminent serious risk to life, health, safety, or property requiring immediate correction.

(6) Energize. The act of applying electrical energy, or gas or water pressure.

(7) Enforcement Agency. The Department of Housing and Community Development, or any city, county, or city and county that has assumed responsibility for the enforcement of this chapter and chapter 2 pursuant to sections 18300 and 18865 of the Health and Safety Code.

(8) Engineer. A person registered with the State of California as a professional engineer qualified to practice engineering in this state. For purposes of this chapter, an engineer designing or approving plans shall have skill, knowledge, and expertise in that scope of practice.

(9) Equipment. All materials, appliances, devices, fixtures, fittings, or accessories used in the structural, fire safety, plumbing, mechanical, and electrical systems of units, buildings, structures, infrastructures and systems subject to this chapter.

(f) -F-

(1) Feeder. The conductors for conveying electrical energy between any two points in the park's electrical wiring system excluding electrical feeder assemblies.

(2) Fence. A freestanding vertical structure erected to enclose an area or act as a barrier generally constructed of posts, boards, wood, wire stakes or rails.

(3) Fire Agency. A city, county, or city and county fire department, or fire district.

(4) Fire Hydrant. A connection to a water source for the purpose of supplying water to a fire hose or other fire protection apparatus and, for the purposes of this chapter, includes a standpipe.

(5) Fire Hydrant, Private. A fire hydrant including wet standpipes owned by the park.

(6) Fire Hydrant System. All fire hydrants, water piping, pumps, tanks, and valves attached to the water system supplying the hydrants.

(7) Footing. The portion of a support, in direct contact with the ground, that distributes imposed loads to the soil.

(8) Forms

(A) Annual Permit To Operate (local enforcement agency), HCD 503B,; dated 01/07.

(B) Application For Alternate Approval, HCD 511, dated 7/04.

(C) Application For Certification Of Manufactured Home Or Mobilehome Earthquake Resistant Bracing System, HCD 50 ERBSCERT, dated 7/04.

(D) Application For Permit To Construct, HCD 50, dated 7/04.

(E) Application For Permit To Operate, HCD 500, dated 7/04.

(F) Application For Standard Plan Approval, HCD 520, dated 7/04.

(G) Certificate of Occupancy, HCD 513C, dated 7/04.

(H) Floodplain Ordinance Compliance Certification For Manufactured Home/Mobilehome Installations, HCD 547, dated 7/04.

(I) Manufactured Home or Mobilehome Installation Acceptance (Local Enforcement Agency), HCD 513B, dated 7/04.

(J) Manufactured Home or Mobilehome Installation Acceptance, HCD 513A, dated 7/04.

(K) Permit To Operate (local enforcement agency), HCD 500A, dated 7/04.

(L) Plot Plan, HCD 538, dated 7/04.

(M) Private Fire Hydrant Test And Certification Report, HCD MP 532, dated 01/07.

(N) School Impact Fee Certification, HCD MP 502, dated 1/04.

NOTE:: The use of existing forms shall be permitted until supplies are exhausted.

(g) -G-

(1) Gas Connector. A flexible connector, listed for exterior use, to convey gas from a gas riser outlet to the gas supply connection of a unit.

(2) Gas Piping, Main. A distribution line that serves as a common source of supply for more than one service line.

(3) Gas Piping System, Park. The pipe equipment and related installations outside of permanent buildings, units, or accessory buildings or structures, for distributing gas throughout the park.

(4) Gas Riser Outlet. That portion of a park gas line or gas piping system, extending above ground, serving a lot.

(5) Gas Service Line. The pipe, or that portion of a park gas piping system, extending from the main park gas line to the individual gas outlet serving a lot.

(6) Good Cause. What the enforcement agency would find to be a reasonable basis for failing to appear at the time and place scheduled for an informal conference or hearing; for extending the date of an informal conference or hearing pursuant to section 2754 or 2756; or for not complying with a specified timeline.

(7) Gross Floor Area. The floor area enclosed within the surrounding exterior walls of a unit, accessory building or structure, or portions thereof. Where there are no walls, “Gross Floor Area” means the usable area contained within the horizontal projection of the roof and floor.

(8) Guardrail. A vertical barrier erected along the open edges of a porch or other elevated area to prevent persons from falling to a lower level.

(h) -H-

(1) Habitable Room or Structure. Any structure or room within a structure meeting the requirements of this chapter for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as awning enclosures, closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, unfinished cellars, utility rooms, and similar spaces.

(2) Handrail. A railing provided for grasping with the hand for support, erected along one or more edges of a stairway or ramp.

(3) Hearing. The informal hearing procedure of the enforcement agency conducted by the director or his or her designee, as the authorized representative of the enforcement agency pursuant to Government Code section 11445.20 subdivision (c), including, but not limited to, matters filed pursuant to Health and Safety Code sections 18865.3, 18866.3, 18866.4, 18867, 18868, and 18870.14.

(4) Hearing Officer. The authorized representative of the enforcement agency, or other official authorized to conduct hearings.

(i) -I-

(1) Independent Unit. A unit equipped with a toilet and designed to be connected to a lot sewer inlet.

(2) Identification Label. A decal, tag, or label indicating acceptance by the department of a standard plan for an accessory building or structure.

(3) Incidental Camping Area. Any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where two or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area.

(4) Insignia or Label of Approval. A tag or label issued pursuant to Health and Safety Code section 18027.3 or 18027.5 and permanently affixed to the unit indicating compliance with applicable regulations of the department or with the American National Standards Institute standards A119.2 or A119.5.

(j) -J-

Reserved

(k) -K-

Reserved

(l) -L-

(1) Landing, Stairway. An individual platform, not to exceed twelve (12) square feet, usually at the top or bottom of a stairway, to ease the transition from a stairway to a level walking surface. Landings for ramps must comply with requirements in the California Building Code.

(2) Listed. All equipment, materials, products, and installations included in a list published by an approved listing agency.

(3) Listing Agency. An independent agency approved by the department that:

(A) is in the business of listing and labeling equipment, materials, products, or installations; and

(B) maintains a periodic inspection program on current production of listed equipment, materials, or products or periodic evaluations of listed installations; and

(C) makes available at least annually a published report of listings that include specific information about the nationally recognized standard with which each item complies and the manner in which the item is safe for use, or information about the listed equipment, material, product, or installation that has been tested and found suitable for use in a specified manner.

(4) Load. Any of the forces that a structure is designed to withstand, including any permanent force such as the weight of a roof, known as a dead load; any moving or temporary force, such as the weight of occupants, known as a live load; wind loads imposed by wind activity; and seismic loads imposed by seismic activity.

(5) Lot Access. An unobstructed way or means of approaching a roadway or public thoroughfare to or from a lot.

(6) Lot Electrical Service Equipment, Park. That equipment containing the means to connect or disconnect, overcurrent protective devices and receptacles, or other means for supplying a unit, listed appliance, accessory building or structure, or building component, to or from the park’s electrical supply.

(7) Lot Line Change. The alteration, movement, or shifting of a lot line for an existing lot.

(8) Lot Line Creation. The initial establishment of a lot line for a new lot.

(9) Lot Water Service Outlet, Park. That portion of the park’s water distribution system, including equipment and devices, provided with a fitting for connecting a unit’s water connector.

(m) -M-

(1) MH-unit. A term, as used in this chapter, to replace references to “mobilehome, manufactured home, and multifamily manufactured home.”

(2) Manufactured Home. A structure as defined by Section 18007 of the Health and Safety Code.

(3) Mobilehome. A structure as defined by section 18008 of the Health and Safety Code.

(4) Multifamily Manufactured Home. A structure as defined by section 18008.7 of the Health and Safety Code. “Multi-unit manufactured housing” has the same meaning as “multifamily manufactured home”, as that term is defined by section 18008.7 of the Health and Safety Code.

(n) -N-

(1) N.F.P.A. An acronym for the National Fire Protection Association.

(2) Noncombustible. As applied to building construction is any material which meets the criteria for “noncombustible” as specified in the California Building Code.

(3) Nuisance. A “nuisance” is as defined in Civil Code section 3479; a “private nuisance” is as defined in Civil Code section 3481; and a “public nuisance” is as defined in Civil Code section 3480 and Penal Code section 370.

(o) -O-

(1) Occupant. For the purposes of this chapter, a person who lawfully occupies a unit on a lot.

(2) Occupied Area. The total of all the space occupied by a unit, including eave overhangs and projections; building components; and all accessory buildings or structures, on a lot.

(3) Operator. The person or entity to whom a permit to operate is issued by the enforcement agency.

(4) Owner. The person or entity that legally owns or possesses an item, property, or business through title, lease, registration or other legal document.

(p) -P-

(1) Park. For purposes of this chapter, is any special occupancy park.

(2) Park Trailer. A recreational vehicle as defined in Health and Safety Code section 18009.3.

(3) Patio. A paved or raised area not to exceed eight (8) inches in height, used for access or recreational activities.

(4) Permanent Building. Any permanent structure under the control and ownership of the park owner or operator which is not on a lot and is expressly used in the operation of the park such as for the park office, a community center, or park storage facilities.

(5) Permit to Operate. A permit issued annually by the enforcement agency authorizing operation of a park.

(6) Pier. A vertical support constructed of concrete, steel, or concrete block for the transmission of loads from a unit, accessory building or structure, or building component, to a footing. A pier does not include the footing.

(7) Porch. A freestanding, outside walking platform with an area exceeding twelve (12) square feet, having any portion of the floor or deck surface elevated more than eight (8) inches above grade.

(8) Power Supply Cord. A flexible cord assembly of conductors, including a grounding conductor, connectors, attachment plug cap, and all other fittings, grommets or devices, designed for the purpose of delivering electrical energy from the park’s lot electrical service equipment to the branch circuit distribution panelboard of the unit.

(9) Private Fire Hydrant. See “Fire Hydrant, Private”.

(q) -Q-

Reserved

(r) -R-

(1) Ramada. Any freestanding roof, or shade structure, installed or erected above a unit or accessory building or structure or any portion thereof.

(2) Ramp. An accessory structure providing a sloping path of travel, intended for pedestrian traffic.

(3) Recreational Vehicle. A vehicle as defined in section 18010 of the Health and Safety Code and includes a park trailer, as defined in section 18009.3 of the Health and Safety Code

(4) Registered Owner. A person registered by the appropriate department as the owner of the unit.

(5) Resident. For the purposes of this chapter, a person who lawfully occupies a lot.

(6) Responsible Person. For purposes of this chapter, any of the following:

(A) The park owner or operator for park-owned property or facilities.

(B) An available person, employed by the park for emergencies, as defined in section 18871.8 of the Health and Safety Code.

(C) Any person or entity that obtains a permit to construct.

(D) The owner of a unit, accessory building or structure, or building component.

(7) Retaining Wall. A wall designed to resist the lateral displacement of soil or other materials.

(8) Roadway. A thoroughfare for vehicular traffic within a park.

(s) -S-

(1) Sanitation Station, Recreational Vehicle. A plumbing receptor designed to receive the discharge of sewage holding tanks of self-contained recreational vehicles and which is equipped with a water hose connection for washing the receptor.

(2) Sewage Drain Lateral. That portion of the park drainage system that extends to an individual lot drain inlet.

(3) Sewage Drainage System. All the piping within or attached to the unit or accessory building or structure that conveys sewage or other liquid wastes to the drain outlet.

(4) Sewer, Park. That part of the park sewage drainage system beginning at the lot drain inlet or from a point two (2) feet downstream from a permanent building drain connection and terminating at the public sewer or private sewer disposal system.

(5) Shall. “Shall” means required and includes “must” and “will”.

(6) Signed. When required by this chapter to verify a permit, plans, or other document, means use of an original or “wet” stamp or signature, or both, of the architect, engineer, or other person verifying the plan, permit, or other document. When such verification is not required by this chapter, an enforcement agency shall not require an original or “wet” stamp or signature, or both.

(7) Skirting. Material used to enclose or partially enclose the area under a unit or accessory building or structure.

(8) Standard Plan Approval (SPA). A plan approved by the department for an accessory building or structure, an engineered tiedown system, or a commercial modular foundation system to be installed or constructed on a repetitive basis, for the purpose of obtaining a construction permit through an enforcement agency.

(9) Stairway. A step or any configuration of steps or risers where the run (length) of an individual tread or step does not exceed thirty (30) inches, and which is designed to enable passage from one elevation to another.

(10) Steel Pier. A steel support that incorporates into its structure an adjustable means of raising and leveling the unit or accessory building or structure that the pier supports.

(11) Storage Building. An accessory building that may exceed ten (10) feet in height or one hundred twenty (120) square feet of gross floor area located on a lot, designed and used solely for storage of the personal equipment and possessions of the unit’s occupants. The construction of a storage building shall comply with the California Building Standards Code, and a permit to construct is required from the enforcement agency.

(12) Storage Cabinet. An accessory structure, not exceeding ten (10) feet in height or one hundred twenty (120) square feet of gross floor area, located on a lot, designed solely for the use and storage of the personal equipment and possessions of the unit’s occupants.

(13) Support. The entire pier and footing assembly, used to transfer the loads of a unit, accessory building or structure, or building component to the ground.

(14) Support System. A system of supports, which sustains the vertical loads of a unit, accessory building or structure, or building component. A support system does not include a foundation system.

(15) Surcharge, Surcharge Load. A surcharge is a vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil.

(t) -T-

(1) Technical Service. The providing of interpretation and clarification by the enforcement agency of technical data and other information relating to the application of this chapter.

(2) Temporary Recreational Vehicle Park. Any area or tract of land where two (2) or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles and which is established for one (1) operation not to exceed eleven (11) consecutive days, and is then removed.

(3) Tent. Any enclosed structure or shelter fabricated entirely or in major part of cloth, canvas, or similar material supported by a frame.

(4) Tent Camp. An area or tract of land where two (2) or more lots or sites are rented or leased or held out for rent or lease for the exclusive use of tent campers.

(5) Testing Agency. An organization which:

(A) Is in the business of testing equipment and installations;

(B) Is qualified and equipped for such experimental testing;

(C) Is not under the jurisdiction or control of any manufacturer or supplier for any affected industry;

(D) Maintains at least an annual inspection program of all equipment and installations currently listed or labeled.

(E) Makes available a published directory showing current listings of manufacturer’s equipment and installations which have been investigated, certified and found safe for use in a specified manner and which are listed or labeled by the testing agency; and

(F) Is approved by the department.

(u) -U-

(1) Unit. A manufactured home, mobilehome, multifamily manufactured home, recreational vehicle, or camping cabin.

(v) -V-

(1) Violation. A failure to conform to the requirements of this chapter, or any other applicable provision of law.

(w) -W-

(1) Water Connector. The flexible extension connecting the water distribution system of the unit or accessory building or structures to the park’s lot water service outlet.

(2) Water Distribution System. All of the water supply piping within a park, extending from the main public supply or other source of supply to the park’s lot water service outlets and including branch service lines, fittings, control valves, and appurtenances.

(3) Water Main, Park. That portion of the water distribution system which extends from the main, water meter, or other source of supply to the branch water service lines.

(4) Water Supply Connection. The fitting or point of connection of the unit’s or accessory building or structure’s water distribution system designed for connection to a water connector.

(5) Working Days. All days except Saturdays, Sundays, and applicable local, state and federal holidays.

(6) Workmanlike. Work performed to the acceptable quality of generally recognized industry standards that does not compromise strength, function, or durability.

(x) -X-

Reserved

(y) -Y-

Reserved

(z) -Z-

Reserved

AUTHORITY:

Note: Authority cited: Sections 18865, 18865.05, 18865.3 and 18873, Health and Safety Code. Reference: Sections 18007, 18008, 18008.5, 18008.7, 18009.3, 18010, 18013.4, 18861, 18862, 18862.15, 18862.33, 18862.35, 18865.3, 18866.3, 18866.4, 18867, 18868, 18870.14, 18871.4, 18872, 18872.2, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5 and 18909, Health and Safety Code.

HISTORY:

1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section and Note filed 7-22-2005; operative 7-22-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of subsection (c)(15) and History 2 (Register 2005, No. 33).
4. Amendment of subsections (a)(3), (e)(8), (f)(8)(M) and (s)(8) and amendment of Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
5. Change without regulatory effect amending subsection (m)(1), adding subsections (m)(2)-(4) and amending subsection (u)(1) filed 7-14-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 29).
6. Amendment of subsection (f)(2), new subsection (g)(2), subsection renumbering and amendment of newly designated subsections (g)(g)(4)-(5) and subsection (n)(2) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
7. New subsections (c)(7), (h)(3) and (s)(6), subsection renumbering, amendment of subsection (g)(6) and newly designated subsection (s)(8) and amendment of Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
8. Editorial correction of subsections (c)(8)-(12) (Register 2011, No. 8).
9. Amendment of subsections (c)(1) and (d)(2)-(4) and new subsection (s)(15) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2003. Manufactured Homes and Mobilehomes

Whenever a mobilehome or manufactured home, or an accessory building or structure related thereto, is installed pursuant to section 2118 in a park, the installation, use, maintenance, and occupancy shall comply with the requirements of chapter 2, commencing with section 1000 of this division.

AUTHORITY:

Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

HISTORY:

1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2004. Local Enforcement

(a) Assumption of responsibility for the enforcement of Parts 2.1 and 2.3 of Division 13, of the California Health and Safety Code and the provisions of Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2 relating to enforcement within parks by a city, county, or city and county, shall be by means of an ordinance of the city council or board of supervisors which shall contain the following information and be subject to department approval:

(1) Indication of assumption of responsibility for enforcement of Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code, and the provisions of Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(2) Name of the agency or agencies delegated enforcement responsibilities.

(3) A statement that the designated local enforcement agency will provide qualified personnel necessary to enforce Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code, and the provisions of Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2 consistent with those laws and regulations. The statement shall include the total number of personnel assigned to the enforcement program.

(4) One copy of any contract, memorandum of understanding, or other document governing delegation of responsibilities and services to a local government agency other than the local government assuming responsibility for Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code and Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(5) Adoption of the applicable schedule of fees contained in the provisions of Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code, and Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(A) A statement adopting the state program and objectives as contained in Parts 2.1 and 2.3 of Division 13 of the Health and Safety Code, and Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2.

(B) A description of existing parks within the local jurisdiction, including; conditions and type of park.

(C) Specific local objectives, program plan and timetable designed to achieve enforcement compliance.

(6) Effective date of assumption of enforcement.

(b) One certified copy of the ordinance shall be forwarded to the Administrative Office of the Division of Codes and Standards, P.O. Box 1407, Sacramento, CA 95812–1407 not less than thirty (30) days before the designated effective date of assumption of enforcement.

(c) A statement that the following forms provided by the department will be used:

(1) HCD 500A, Application for Permit to Operate;

(2) HCD 503B, Annual Permit to Operate.

(d) The department shall determine the local agency's knowledge and ability to apply the requirements of Title 25, California Code of Regulations, Division 1, Chapters 2 and 2.2, and the applicable Health and Safety Code requirements. The department's determination may include, but is not limited to, verification of the local agency's ability and knowledge through performance of activities that may include inspection, records review, and interviews of assigned personnel.

(e) Upon completion of the transfer, the new enforcing agency shall notify, in writing, the parks within its jurisdiction of the change in enforcement and the designated department or departments responsible for enforcement and permit issuance.

(f) Every enforcement agency shall comply with the verification of eligibility to receive public benefit requirements of Title 25, California Code of Regulations, Division 1, Chapter 5.5, commencing with section 5802, of applicants for permits to operate mobilehome parks or special occupancy parks.

(g) Notwithstanding the provisions of section 2005.5, in order to ensure that the orderly transition of assumption of enforcement occurs when a park, or permanent building within a park, is under construction, the enforcement responsibilities for that construction shall be transferred, as well as all pertinent information pertaining to that construction including, but not limited to, plans, calculations, testing information, inspection reports and correction notices on the date as determined by the department.

(h) The local enforcement agency shall send a copy of each permit to operate it has renewed, within thirty (30) days after renewal, to the department's Division of Codes and Standards, at the address designated by the department at the time of assumption.

(i) When a local enforcement agency proposes significant changes in the personnel responsible for enforcing the provisions of this chapter, Chapter 2 and sections 18200 through 18874 of the Health and Safety Code, that agency shall notify the department at least thirty (30) days prior to the proposed date of the changes. The department may perform a reevaluation to determine whether the personnel have the required knowledge and ability as required in subsection (d) of this section.

(j) When a local enforcement agency changes its address, phone number, or contact person, it shall notify the Administrative Office of the department in writing within thirty, (30) days of the change.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18862.17, 18865, 18870.6 and 18870.7, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section and Note filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of subsection (g) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2004.5. Complaint Investigations

(a) When a complaint alleging violations of this Chapter, Chapter 2 or Sections 18200 through 18700 and 18860 through 18874 of the Health and Safety Code is referred to a local enforcement agency, the agency shall do the following:

(1) Make reasonable efforts to contact the complainant to discuss the complaint. If the issue addressed within the complaint exceeds the authority or jurisdiction of the enforcement agency, the complainant shall be so advised, and shall be directed, when possible, to the appropriate governing entity.

(2) Investigate allegations of violations representing an immediate risk to life, health, or safety within five (5) days of receipt of the complaint by the agency.

(3) Investigate allegations of violations representing an unreasonable risk to health or safety within thirty (30) days of receipt by the agency.

(4) Discuss the results of the investigation with the complainant, or provide the results in writing, if requested by the complainant.

(b) When a complaint is referred to a local enforcement agency from the Office of the Mobilehome Ombudsman (Office), the local enforcement agency shall, no later than thirty–five (35) days following its receipt of the complaint, submit a written report detailing the final results of the investigation to the Office, or its designee.

(c) When an inspection as a result of a health and safety complaint results in a written order to correct for a violation of this chapter and a reinspection reveals that the cited person failed to correct the violation, the enforcement agency shall be compensated by the person responsible for correction of violation for any subsequent reinspection to verify correction of the violation at the following hourly rate.

(1) one hundred ninety–six dollars ($196) providing the reinspection does not exceed one hour. When the reinspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes or fractional part thereof: forty–one dollars ($41).

AUTHORITY:
Note: Authority cited: Sections 18300, 18865 and 18153, Health and Safety Code. Reference: Sections 18300, 18865 and 18153, Health and Safety Code.
HISTORY:

1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 2005. Local Government's Cancellation of Enforcement Responsibility

(a) An enforcement agency intending to relinquish responsibility for enforcement authority shall advise the department, no less than ninety (90) days prior to initiating the requirements of subsection (b).

(b) A governing body canceling its enforcement responsibility shall complete the following to the department's satisfaction before the transfer is effective:

(1) provide written notification to the department not less than ninety (90) days prior to the proposed effective date of the action, along with a copy of the ordinance repealing enforcement responsibility,

(2) remit the appropriate fees to the department as identified in section 2006 of this article on or before the date of transfer of responsibility.

(3) transfer all park records to the department on or before the effective date of the transfer of enforcement responsibility.

(c) When the local agency cancels its enforcement responsibility for this chapter, its responsibility for enforcement of chapter 2 of this division is also cancelled.

(d) When a local enforcement agency has canceled its assumption of responsibility for enforcement and desires to reassume enforcement, it must reapply in compliance with the requirements contained in section 2004 of this article.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18862.17 and 18865, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (a) and (b)(1) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2005.5. Revocation of Local Enforcement Authority

(a) When the department determines that a local enforcement agency has failed to properly enforce, parts 2.1 or 2.3, of division 13, of the Health and Safety Code or chapters 2 or 2.2 of this division, the department shall notify the governing body of the local enforcement agency by providing written documentation which identifies the deficiencies requiring correction.

(b) The local enforcement agency shall have thirty (30) days from the date it receives the department's written determination to initiate correction of the deficiencies. Initiation of correction shall mean:

(1) Completion of a written plan of action submitted to the department identifying the corrective action for each deficiency, including at least the following:

(A) Acknowledgement of the deficiencies.

(B) The action to be taken to correct each deficiency.

(C) The personnel involved in the correction.

(D) Timelines for completion of all corrections.

(E) Ongoing oversight to prevent reoccurrences of noted deficiencies.

(2) Implementation of the plan of action by the local enforcement agency and other actions required by the department prior to completion of the plan of action.

(c) The department shall, within thirty (30) days of receipt of the plan of action, review and provide a written response to the governing body regarding the proposed plan.

(d) If the local enforcement agency fails to prepare an adequate plan of action or implement corrective measures within thirty (30) days regarding the deficiencies specified in subsection (a), the department may revoke its approval of local assumption responsibility and resume enforcement responsibilities.

(e) Within thirty (30) days following the department's revocation of assumption approval, remit the appropriate fees as defined in section 2006 of this article and transfer all park records to the department.

(f) When a local enforcement agency has had its assumption of responsibility for enforcement revoked and desires to reassume enforcement, it must reapply in compliance with the requirements contained in section 2004 of this article.

AUTHORITY:
Note: Authority cited: Sections 18300 and 18865, Health and Safety Code. Reference: Sections 18300 and 18865, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2006. Transfer of Authority—Disbursal of Fees

(a) When a city, county, or city and county assumes responsibility for the enforcement of, parts 2.1 and 2.3, of division 13, of the Health and Safety Code and Title 25, California Code of Regulations, division 1, chapters 2 and 2.2, cancels its assumption of such responsibility, or has assumption approval cancelled by the department during the permit renewal year, collected for the annual permits to operate, other than state fees pursuant to section 2008(a)(4) of this article, shall be returned in an amount equal to the percentage of the year remaining before the permits to operate expire.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18865 and 18870.2, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) and repealer of subsections (a)(1)-(2) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2006.5. Permit to Operate Required

(a) No person shall operate a park, or a portion of a park, or rent, lease, sublease, hire out, or let out for occupancy any new or existing lot in a park without a current permit to operate issued by the enforcement agency.

(b) Applications for a permit to operate a temporary recreational vehicle park shall be submitted to the enforcement agency at least thirty (30) days prior to the intended date of operation. Evidence of approvals from the local planning agency, health and fire departments and, if utilities are installed, the local utility companies shall be submitted with the application for the permit to operate.

(c) Application for a permit to operate an incidental camping area shall be on forms supplied by the enforcement agency, and shall be accompanied by two (2) sets of the following exhibits:

(1) A map or plot plan of the area or tract of land proposed to be used for incidental camping.

(2) A description of the facilities to be provided for the use of campers.

(3) A statement of the proposed use of the incidental camping area, which shall include:

(A) Approximate dates of occupancy, or a statement that the facility is intended to be operated year–round;

(B) Type of use intended, including use of recreational vehicles for camping purposes, if any;

(C) Number and type of sanitary facilities; and

(D) Maximum number of camping parties to be accommodated at any one time.

(4) Evidence of approval by local planning, health and fire departments.

(d) When the applicant proposes to construct or install common facilities for the use of campers, or to construct or install facilities to supply fuel gas, water or electricity to campers, or to dispose of sewage or waste from recreational vehicles, a permit to construct for such facilities shall first be obtained in accordance with the provisions of this article.

(e) When camping cabins are installed in a park, the lot number of cabins shall be recorded at the time of inspection and added to the comments section of the park's permit to operate by the enforcement agency. An amended permit to operate is not required to be printed.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18870, 18870.1, 18870.2 and 18870.6, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2007. Applicant Documentation

When applying for a permit to operate a park, or for the renewal or amendment of any such permit, if the applicant has not previously been determined to be eligible to receive public benefits, the applicant shall present to the enforcement agency such documentation as the department may require to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5, beginning with section 5802.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Title 8, U.S.C. Sections 1621, 1641 and 1642; and Section 18865, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2008. Annual Permit to Operate Fees

(a) Permit to operate fees shall be as follows:

(1) Annual permit to operate fee of twenty–five dollars ($25); and

(2) an additional two dollars ($2) per lot, or per campsite; and

(3) an additional four dollars ($4) per manufactured home or mobilehome lot; and

(4) A state fee as contained in Table 2008–1.

Table 2008–1

Number of Lots or Campsites	*State Fee*
2–19	$40
20–49	$75
50–99	$175
100–249	$400
250–499	$800
500 or more	$1,600

(b) The state fee is required to be paid annually.

(c) A permit to operate fee of twenty–five ($25), with no additional fee for the lots, is required to operate a temporary recreational vehicle park.

(d) When a city or county assumes responsibility for enforcement in accordance with section 2004 of this chapter, it shall bill the parks for the permit to operate on a calendar year with the park permit to operate valid from January 1st through December 31st. Upon transfer, the next year's billing will be prorated to account for the difference in the billing cycle.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18870.2, Health and Safety Code. Reference: Sections 18870.2, 18870.3 and 18870.6, Health and Safety Code.
HISTORY1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. New subsection (d) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2009. Permit to Operate—Penalty Fees

(a) Permits to operate shall have the following penalty fees applied as applicable:

(1) When an application is submitted thirty (30) or more days late, the permit to operate fees shall be increased an amount equal to ten (10) percent of the established fee.

(2) When an application is submitted sixty (60) or more days late, the permit to operate fees shall be increased an amount equal to one hundred (100) percent of the established fee.

(3) Any park operating without a permit to operate shall pay double the established fees and those fees shall be due upon demand of the enforcement agency.

(b) The postmark shall be used to determine the submittal date for imposing annual permit to operate penalty fees prescribed by Health and Safety Code section 18870.7 and this section.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18870.7, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2010. Permit to Operate—Construction Completed

(a) Upon final approval by the enforcement agency of the construction of lots and facilities, the applicant shall submit an application for permit to operate, or amended permit to operate, on a form designated by the department, together with appropriate fees as specified in sections 2008 and 2009 of this article, to the enforcement agency. The designated form shall be submitted as follows:

(1) When the department is the enforcement agency, the applicant shall submit the application for permit to operate to the department. Upon approval of the application by the department, an annual permit to operate shall be issued to the applicant.

(2) When a local enforcement agency has enforcement responsibilities, the applicant shall submit the application, to that agency. Upon approval of the application by the local enforcement agency, that agency shall provide one (1) copy of the approved application to the applicant and, within five (5) working days after approval, one (1) copy, along with the state fees required by section 2008 of this article, to the Division of Codes and Standards, P.O. Box 1407, Sacramento, CA 95812–1407. The Division of Codes and Standards shall issue the initial permit to operate within ten (10) working days of receipt of the approved application. The department shall provide copies of the permit to operate to the applicant and the local enforcement agency. Subsequent years' annual permits to operate shall be issued by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870.2 and 18870.6, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2012. Department Copies of the Annual Permit to Operate and Related Fees

(a) Local enforcement agencies shall send a copy of each issued annual permit to operate to the Division of Codes and Standards within thirty (30) days following issuance.

(b) All local enforcement agencies shall forward to the Division of Codes and Standards the state fees paid by the applicant pursuant to section 2008 of this article within thirty (30) days of receipt.

(c) The department shall provide a supply of the annual permit to operate forms and application for permit to operate forms to any local enforcement agency making a request for the forms.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870.2, 118870.3, 18870.6 and 18870.7, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2013. Emergency Preparedness Plans

(a) Every park shall adopt an emergency preparedness plan and notify park residents how to obtain a copy of the plan. In order to obtain a permit to operate, the information in subsections (c) and (d) must be submitted to the enforcement agency upon renewal of a permit to operate after September 10, 2010, or the issuance of the initial permit for a new park, whichever comes first.

(1) After a plan is approved by the enforcement agency, it is not necessary to provide the enforcement agency with future copies unless conditions described in the plan have changed (e.g. roadway changes, addition of lots, floodplain changes, etc.).

(b) The emergency preparedness plan shall be one of the following:

(1) adopting the emergency plans and procedures contained in the Standardized Emergency Management System Advisory Board's booklet of November 21, 1997, entitled "Emergency Plans for Mobilehome Parks," published by the former Office of Emergency Services or any subsequent version, or

(2) a plan developed by park management comparable to the plans and procedures contained in the booklet described in subparagraph (1) above.

(c) Documentation submitted to the enforcement agency to obtain a permit to operate shall include at a minimum of the following:

(1) a copy of the plan available to the residents;

(2) the location of the posted notice in the park describing how the residents may obtain the plan;

(3) a copy of the notice distributed to residents that identifies additional state and local agencies' individual emergency preparedness information including, but not limited to, the California Emergency Management Agency;

(4) written verification by the park operator that all residents have received written notification on how to obtain a copy of the plan and the information required in subsection (c)(3).

(d) At a minimum the following items should be included in a park's emergency preparedness plan to be deemed consistent with or comparable to the "Emergency Plans for Mobilehome Parks" booklet, the standard defined in Health and Safety Code 18871.8.

(1) Maps showing evacuation routes out of the park including all exits and alternate routes and exits.

(2) The elevation of the park property if the park is in a floodplain.

(3) Type of disasters common to the area.

(4) How residents may obtain a copy of the plan.

(5) General information regarding types of disasters such as floods, earthquakes, fires, and other emergencies.

(6) Contact information for emergency government agencies including the California Emergency Management Agency (CalEMA), local fire and police department and community assistance organizations such as the American Red Cross, or other emergency agencies' contact information.

(7) Local emergency broadcast station frequencies.

(8) Information on how residents may obtain additional materials for establishing an individual household emergency plan, individual household emergency supply kits, and individual home safety recommendations.

(e) Park management is not responsible for physically evacuating residents from their homes and park residents must take personal responsibility for themselves during an emergency. Residents that may need assistance in the event of an evacuation should make prior arrangements to have that assistance available.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870 and 18871.8, Health and Safety Code.
HISTORY:
1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2014. Required Reporting of Changes in Park Status

(a) An operator of a park shall submit to the enforcement agency an application for an amended annual permit to operate within thirty (30) days of any change in the information related to the annual permit to operate. Changes in information shall include, but not be limited to:

(1) change of name, mailing address, or ownership; or

(2) change in the number of lots resulting from the sale, lease, removal, construction, or alteration of existing lots or facilities; or

(3) change of conditional uses specified on the annual permit to operate; or

(4) when a snow load roof maintenance program status is changed pursuant to section 2338 of article 7.

(b) A fee of ten dollars ($10) shall be submitted to the enforcement agency with each application to amend the annual permit to operate. Only one (1) fee of ten dollars ($10) shall be required for an amended annual permit to operate, if more than one change can be processed on a single application.

(c) An amended permit to operate shall be issued only by the department initially for additional lots constructed on lots removed in an existing park. The local enforcement agency shall process the application as specified in section 2010 of this chapter for permit issuance for new construction.

(d) Notwithstanding subsection (c), when an amended permit to operate is issued by a local enforcement agency, a copy shall be forwarded to the department, within thirty (30) days, clearly marked as "Amended" on the face of the copy.

AUTHORITY:
Note: Authority cited: Section 18865 and 18870.3, Health and Safety Code. Reference: Sections 18870.2, 18870.3, 18870.6 and 18870.8, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2016. Approval of Alternates and Equivalents

(a) When the department is the enforcement agency, a request for approval of an alternate or equivalent means of meeting the requirements of this chapter shall be submitted by the applicant to the department's Northern or Southern area office.

(b) When a city, county, or city and county has assumed enforcement responsibility for this chapter, the applicant shall submit the request for this approval to the local enforcement agency. The local enforcement agency shall forward the request to the department's Administrative Office of the Division of Codes and Standards, along with their written recommendation and rationale for approval or denial.

(c) The request for an alternate approval shall be submitted on forms, as defined in Section 2002 of this chapter, provided by the department. The form shall be accompanied by one (1) set of substantiating plans and/or information together with the alternate approval fee of two hundred three dollars ($203), payable to the department.

(d) When a request for an alternate approval is for the park, or significantly affects property owned or operated by the park, including, but not limited to, grading, utilities and setbacks, only the park owner or operator may apply for the alternate approval.

AUTHORITY:
Note: Authority cited: Section 18865 and 18865.05, Health and Safety Code. Reference: Sections 18865.6 and 18870.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).
3. Amendment of section and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2017. Technical Service Fee

(a) Fees for technical services provided by the enforcement agency shall be:

(1) one hundred ninety–six dollars ($196) provided the technical service does not exceed one hour. When the technical service exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

AUTHORITY:
Note: Authority cited: Sections 18865 and 18870.3, Health and Safety Code. Reference: Sections 18870.3 and 18870.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 2018. Permits Required or Not Required

(a) No person shall erect, construct, reconstruct, install, replace, relocate or alter any building, structure, camping cabin, accessory building or structure, or building component; any electrical, mechanical, or plumbing equipment; any fuel gas equipment and installations, or fire protection equipment; or installations of, or within, a park, or a lot, or perform any non-load bearing grading or area fill with a depth of one (1) foot or greater, unless exempted from obtaining a grading permit pursuant to Appendix J of the California Building Code, without first obtaining a written construction permit from the enforcement agency.

(b) No person shall create or change a lot line within a park without first obtaining a permit from the enforcement agency pursuant to the requirements of section 2105 of this chapter.

(c) Any person issued a notice indicating violations pursuant to this section, shall obtain the required permit from the enforcement agency and provide the appropriate fees as prescribed in this article.

(d) The enforcement agency shall not require a permit to construct for the following work, when the construction is performed in a workmanlike manner, does not present a hazard, and otherwise complies with the requirements of this chapter:

(1) Minor maintenance and repair including replacement of existing utility metering devices.

(2) The installation of a storage cabinet on a lot.

(3) Construction or installation of a stairway having a landing twelve (12) square feet or less.

(4) A landing not more than twelve (12) square feet in area.

(5) Construction or installation of removable insect screening, flexible plastic canvas type material used as an awning or as awning or carport enclosures.

(6) Construction or installation of a retaining wall less than four (4) feet in height measured from the bottom of the footing to the top of the wall, unless it is supporting a surcharge load.

(7) Construction or installation of a patio, as defined in section 2002(p)(3).

(8) Fences not over six (6) feet high.

(9) Canvas or cloth awnings provided they meet the setback and separation requirements for combustible materials contained in section 2428 of this Chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870, 18870.8, 18872 and 18872.1, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section and Note filed 7-22-2005; operative 7-22-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment; of subsection (a) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
5. Amendment of subsection (d)(6) filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
6. Amendment of section heading, amendment of subsection (a)(6) and new subsection (a)(9) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2020.3. Application Requirements for Permits for Accessory Structures and Camping Cabins

(a) A person required to obtain a permit to install an accessory structure or camping cabin, shall submit an application for the permit to construct to the enforcement agency, on a form prescribed by that agency.

(b) The application for the permit to construct shall be accompanied by fees as specified in section 2020.7 of this article, or section 2020.4 when using plans with a standard plan approval.

(c) A person submitting an application for a permit to construct an accessory structure or install a camping cabin shall, in addition to the requirements of section 2034 of this chapter, submit three (3) copies of a plot plan for the lot where the accessory structure or camping cabin is to be constructed, on the form prescribed by the department, indicating the planned location of the accessory structure or camping cabin on the lot and all required dimensions and setbacks from the lot lines and structures on the same and adjoining lots. At least one (1) copy of the plot plan shall bear the original signature of the park owner or his or her designated representative.

(d) When a person files applications simultaneously to construct or install two (2) or more accessory structures or camping cabins which are identical and are within the same park, only one (1) plan check fee shall be required.

(e) If an application for a permit to construct is in complete or does not conform to this chapter, the enforcement agency shall notify the applicant in what respects application does not comply in writing within ten 10 working days of the date they are received by the department. The applicant shall resubmit a corrected application or plans within ninety (90) days of the notification, or within 90 days of any subsequent notification relating to a resubmittal, along with the resubmission fees required by subsections 2020.4 or 2020.7 of this chapter as applicable.

(f) A single permit may be issued for all accessory structures to be erected or installed concurrently on the same lot including electrical, mechanical and plumbing installations in each accessory structure. If the applicant requests individual permits, they may be obtained for structural, electrical, mechanical and plumbing installations, and are subject to separate individual fees.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.3, Health and Safety Code. Reference: 18865, 18870, 18870.5 and 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2020.4. Fees for Permits for Accessory Structures with a Standard Plan Approval

(a) The following permit fees shall apply for accessory structures that have a standard plan approval:

(1) Inspection Fee: One hundred ninety–six dollars ($196) provided the inspection does not exceed one hour. When the inspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(2) Reinspection Fee: One hundred seventy–eight dollars ($178) provided the reinspection does not exceed one hour. When the reinspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours:, eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(b) Fees for accessory structures that do not have the department's standard plan approval issued in accordance with Section 2020.9 of this article shall be determined using the valuation table contained in Section 2020.7 of this article.

(c) Electrical, mechanical, and plumbing permit fees for installations in accessory structures shall not exceed those contained in this chapter.

(d) Plan check fees shall not be required for accessory structures for which a standard plan approval has been obtained from the department.

AUTHORITY:
Note: Authority cited: Sections 18865, 18870.3 and 18871.3, Health and Safety Code. Reference: Sections 18865, 18870, 18870.2, 18870.3, 18870.4 and 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (a)(3)–(b) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).

3. Editorial correction of section heading and 2 (Register 2005, No. 33).
4. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 2020.6. Application Requirements for Permits for Park Construction or Alteration

(a) This section applies to any person submitting an application pursuant to section 2018, for a permit to construct or alter any of the following:

(1) A park;

(2) An addition to a park;

(3) An alteration to a park;

(4) A permanent building in a park;

(5) An accessory building or structure without a standard plan approval.

(b) A person who is required to obtain a permit to construct, pursuant to section 18870 of the Health and Safety Code, shall submit an application for a permit to construct to the enforcement agency, with the appropriate fees as specified in section 2020.7 of this article, on the form prescribed by that agency.

(c) A person submitting an application pursuant to this section shall submit three (3) complete sets of plans and specifications or installation instructions, as required by section 2034 of this chapter.

(d) Applications for permits to construct or enlarge a park, shall be submitted with written evidence of compliance with California Environmental Quality Act (Public Resources Code Division 13, commencing with section 21000), and written evidence of approvals by all of the following:

(1) the local planning agency,

(2) the local health, fire, and public works departments,

(3) the local department responsible for flood control,

(4) the serving utilities, and

(5) any other state or federal agency or special district that has jurisdiction and would be impacted by the proposed construction.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870, 18870.1, 18870.2, 18870.3, 18870.4 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2020.7. Permit Fees for Park Construction and Alteration

(a) Any person submitting an application for a permit to construct with plans not having a department standard plan approval shall pay the following fees, as applicable:

(1) Permit Fee. For the purpose of determining fees, the enforcement agency may establish the permit fee in accordance with subsection (f) or (g) of this section as appropriate. However, the minimum permit fee shall be one hundred ninety–six dollars ($196) provided the initial related inspection associated with this permit does not exceed one hour. When the related inspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty–two dollars ($82).

(B) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(2) Plan Check Fee. One–half (1/2) of the combined total of construction, mechanical, plumbing, and electrical permit fees. However, the minimum fee shall be ten dollars ($10).

(b) Reinspection Fee: One hundred seventy–eight dollars ($178) provided the reinspection does not exceed one hour. When the reinspection exceeds one hour, the following fees shall apply:

(1) Second and subsequent whole hours: eighty–two dollars ($82).

(2) Each thirty (30) minutes, or fractional part thereof: forty–one dollars ($41).

(c) When any person files applications simultaneously to construct two (2) or more permanent buildings, or accessory buildings or structures which are identical and are within the same park, only one (1) plan check fee shall be required.

(d) Electrical, mechanical, and plumbing permit fees shall not exceed those contained in this chapter.

(e) When plans and specifications fail to comply with the requirements of this chapter, the enforcement agency shall notify the applicant in writing, stating in what respects the plans do not comply. The applicant shall correct the plans and/or specifications and resubmit them to the enforcement agency. The following fees are required for each resubmission of plans or specifications subsequent to the initial plan check:

(1) Plan Check Fee. Two hundred three dollars ($203) provided the plan check does not exceed on hour. When the plan check exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: ninety–two dollars ($92).

(B) Each thirty (30) minutes, or fractional part thereof: forty–six dollars ($46).

(f) Fees for construction or alteration of facilities and installations on lots and within parks shall be the sum of the following categories comprising the proposed work subject to the minimum amounts specified in subsection (a)(1):

(1) For each lot	$5.75
(2) Electrical Permit Fees.	
Each park electrical service	14.00
Each unit substation or secondary distribution transformer	10.50

Each alteration or replacement of a service or a transformer	10.50
Each park lot electrical service equipment	7.00
Each alteration, repair, or replacement of a park lot electrical service equipment	7.00
Each street light including circuit conductors and control equipment	3.00
(3) Plumbing Permit Fees.	
Each park sewage drainage system	14.00
Each private sewage disposal system or park water treatment installation	14.00
Each lot drain inlet	7.00
Each alteration or repair of drainage or vent piping	7.00
Each park water distribution system	7.00
Each park lot water service outlet or outlets at the same location	4.25
Each fire hydrant or riser	4.25
Each individual lot water conditioning installation	4.25
Each alteration, repair or replacement of water fixtures or equipment	4.25
(4) Gas Piping Permit Fees.	
Each park gas piping system	7.00
Each installation of a liquefied petroleum or natural gas tank of 60 gallon capacity or more	7.00
Each gas riser outlet	4.25
Each alteration, repair, or replacement of park's gas piping system	4.25
(5) Each installation of equipment regulated by this chapter for which no other fee is listed	7.00

(g) Permit fees for a permit to construct accessory buildings or structures without a standard plan approval from the department, and foundation systems, permanent buildings, and/or electrical, mechanical, and plumbing installations within or on permanent buildings, or accessory buildings or structures shall be the sum of the following categories comprising the proposed work subject to the minimum amounts specified in subsection (a)(1):

(1) Table A. Construction Permit Fees.

Total Valuation	Fee
$2,000 or less.	$45.00
$2,001 to $25,000.	$45.00 for the first $2,000 plus $9.00 for each additional thousand or fraction thereof, to and including $25,000.
$25,001 to $50,000.	$252.00 for the first $25,000 plus $6.50 for each additional thousand or fraction thereof, to and including $50,000.
$50,001 to $100,000.	$414.50 for the first $50,000 plus $4.50 for each additional thousand or fraction thereof, to and including $100,000.
$100,001 to $500,000.	$639.50 for the first $100,000 plus $3.50 for each additional thousand or fraction thereof, to and including $500,000.
$500,001 to $1,000,000.	$2,039.50 for the first $500,000 plus $3.00 for each additional thousand or fraction thereof, to and including $1,000,000.
$1,000,001 and up.	$3,539.50 for the first $1,000,000 plus $2.00 for each additional thousand or fraction thereof.

(2) Table B. Mechanical and Plumbing Permit Fees.

Each plumbing fixture, trap, set of fixtures on one trap, including water, drainage piping and backflow protection therefore	$3.00
Each building sewer	14.00
Each private sewage disposal system	14.00
Each water heater and/or vent	7.00
Each gas piping system for one to five outlets	7.00
Each gas piping system for six or more outlets, per outlet	1.50
Each gas regulator	1.50
Each water branch service outlet or outlets at the same location, or each fixture supply	1.00
Each installation of water treating equipment	7.00
Alteration or repair of water piping or water treating equipment	7.00
Alteration or repair of drainage or vent piping	7.00
Each lawn sprinkler system on any one meter, including backflow protection devices	7.00
Vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures: one to five	.00
over five, each additional	.00

The installation or relocation of each forced–air or gravity–type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu	4.00
The installation or relocation of each forced–air or gravity–type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu	1.00
The installation or relocation of each floor furnace, including vent	.00
The installation or relocation of each suspended heater, recessed wall heater or floor–mounted unit heater	.00
The installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	7.00
The repair of, alteration of, or addition to each heating appliance, refrigeration unit, comfort cooling unit, absorption unit, or each comfort heating, cooling, absorption, or evaporative cooling system, including installation of controls	4.00
The installation or relocation of each boiler or compressor to and including three horsepower or each absorption system to and including 100,000 Btu	4.00
The installation or relocation of each boiler or compressor over three horsepower or each absorption system over 100,000 Btu	1.00
Each air handling unit, including ducts attached thereto	.00

NOTE: This fee shall not apply to an air handling unit which is a portion of a factory–assembled appliance, comfort cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this chapter.

For each evaporative cooler other than portable type	.00
For each vent fan connected to a single duct	.00
For each vent ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	7.00
Each installation of equipment regulated by this chapter for which no other fee is listed	7.00
(3) Table C. Electrical Permit Fees.	
Each wiring outlet where current is used or controlled, except services, sub–feeders and meter outlets	.35
Each fixture, socket or other lamp holding device	.35
Each motor of not more than 50 h.p.	4.25
Each motor of more than 50 h.p.	10.50
Each mercury arc lamp and equipment	1.00
Each range, water heater or clothes dryer installation	7.00
Each space heater or infrared heat installation	1.50
Each stationary cooking unit, oven, or space heater	1.50
Each garbage disposer, dishwasher, or fixed motor–operated appliance not exceeding 1/2 h.p.	1.50
Working light in buildings in course of construction or undergoing repairs, or where temporary lighting is to be used	3.00
Each incandescent electric sign	1.50
Electric signs or outline lighting, luminous gas type with: 1 to 4 transformers	3.00
Additional transformers, each	.35
Each rectifier and synchronous converter, per K.W.	.35
Each additional circuit for a mobilehome accessory building or structure or other electrical equipment	1.50
Each service:	
600 volts or less, not over 200–amperes	7.00
600 volts or less, over 200–amperes	10.00
Over 600 volts	14.00
Each installation of equipment regulated by this chapter for which no other fee is listed	7.00

AUTHORITY:
Note: Authority cited: Sections 18865, 18870.3 and 18871.3, Health and Safety Code. Reference: Sections 18870.2, 18870.3 and 18870.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 2020.9. Application and Fee Requirements for Standard Plan Approvals

(a) A standard plan approval is available from the department for a plan for an accessory structure constructed and installed pursuant to this article and Article 9 of this chapter.

(b) In order to obtain a standard plan approval, the applicant shall submit to the department the following items:

(1) A completed application for standard plan approval on the form, as defined in Section 2002 of this chapter, designated by the department.

(2) Three (3) copies of the plans, specifications, and/or installation instructions, if applicable, and two (2) copies of the design calculations, when required, to substantiate the design. Specifications shall be shown on the plan. Design calculations shall be submitted separately from the plan sheet.

(3) An application fee of two hundred three dollars ($203) for each plan.

(4) Plan check fee. Two hundred three dollars ($203) provided the plan check does not exceed one hour. When the plan check exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: ninety-two dollars ($92).

(B) Each thirty (30) minutes, or fractional part thereof: forty-six dollars ($46).

(5) Additional plan check fees shall be due and payable prior to the issuance of a plan approval or a revised plan approval, if more than one (1) hour is required to conduct the plan check.

(6) When plans and specifications fail to comply with the requirements of this chapter, the enforcement agency shall notify the applicant in writing, stating in what respects the plans do not comply. The applicant shall correct the plans and/or specifications and resubmit them to the enforcement agency or withdraw them from consideration, forfeiting all submitted fees.

(7) An Identification Label of Approval shall be provided for each accessory building or structure to be manufactured under the standard plan approval, and each accessory building or structure shall have an approved identification label of approval attached in a visible location.

(8) The actual identification label shall be submitted to the department for approval with the application for a standard plan approval prior to issuance of the approval. The approved identification label of approval shall:

(A) be not less in size than three (3) inches by one and one-half (11/2) inches;

(B) contain the following information, as applicable;

ACCESSORY BUILDING OR STRUCTURE

1. Name of Manufacturer
2. Standard Plan Approval No. ___
3. Designed for:

___lbs. per square foot live load
___lbs. per square foot horizontal wind load
___lbs. per square foot snow load
___lbs. per square foot floor live load
___lbs. per square foot wind uplift load

4. Structure (may)(may not) be enclosed.

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(C) be provided by the manufacturer and be permanently imprinted with the information required by this section;

(9) The identification label of approval shall be either Type I, II, or III as specified in this section, each capable of a ten (10) year life expectancy when exposed to ordinary outdoor environments. Letters and numbers shall be bold Gothic or similar style, varied for emphasis, as large as space permits, with the minimum size being 5/64 inch. Wording shall be easily read and concise. Where permanent type adhesives are used on Type I, II, or III plates, adhesives shall have a minimum thickness of .004 inches and the plates shall be affixed to a relatively smooth surface.

(A) Type I. Rigid metal plates affixed by screws, rivets, or permanent type adhesives.

Minimum size: one and one-half (1 1/2) inches by three (3) inches by .020 inches thick net dimensions (inside fastener heads).

Material: Aluminum, brass or stainless steel etched, stamped, engraved, or embossed to 0.015-inch minimum depth differential, color anodized or enamel filled.

(B) Type II. Flexible metal plates affixed by permanent adhesives, either pressure sensitive acrylics or solvent activated resins.

Minimum Size: .005 inch by one and one-half (1 1/2) inches by three (3) inches.

Material: Aluminum foil etched or stamped to .001 inches minimum depth differential with color anodized background.

(C) Type III. Metalized Mylar (polyester), surface bonded.

Minimum Size: .003 inches by one and one-half (1 1/2) inches by three (3) inches.

Material: Aluminum/vinyl surface bonded (to be used for nameplates where variable information is required by embossing, which can be done with a conventional typewriter).

Minimum Size: .006 inches by one and one-half (11/2) inches by three (3) inches.

(c) Plans submitted to the department shall be on sheets of paper no smaller than eight and one-half (8 1/2) inches by eleven (11) inches, and no larger than thirty (30) inches by forty-two (42) inches.

(1) Plans shall indicate the details of connections, dimensions, footings, foundations, general notes and method of installation necessary for the design and construction of the system.

(2) A plan shall indicate only one model or type of system.

(3) Each plan sheet shall provide a space not less than three (3) inches by three (3) inches for the department's standard plan approval stamp and number.

(4) When the design of the system requires an engineering analysis of structural parts and methods of construction, such as required for an engineered tiedown system or engineered accessory building or structure, the plans, specifications, and calculations shall be signed by an architect or engineer.

(5) Each plan shall be identified by a model number.

(d) If an application or plans are incomplete or do not conform to this chapter, the applicant shall be notified in writing within ten (10) working days of the date they are received by the department. The applicant shall resubmit a corrected application or plans within ninety (90) days of the notice, or within ninety (90) days of any subsequent notification relating to a resubmittal, along with the fees required by Section 2020.9 of this section.

(e) Should the applicant cancel the application for the standard plan approval prior to obtaining department approval, all fees submitted will be retained by the department for services rendered.

(f) A standard plan approval shall expire twenty-four (24) months from the date of the department's approval as designated on the department's stamp of approval placed on the plans.

(g) A standard plan approval may be renewed on or before the expiration date by submitting an application, together with three (3) copies of the plan as required by subsections (b)(1) and (2), and a renewal fee of two hundred three dollars ($203).

(1) Renewal of a standard plan approval is permitted only when the plan submitted is identical to the plan on file with the department.

(2) Each plan submitted for renewal shall provide a space not less than three (3) inches by three (3) inches for the department's standard plan approval stamp and number.

(3) When a standard plan approval is renewed, the department-issued number shall remain the same.

(h) An application for approval of revisions to a standard plan approval, which does not change the structural system or method of the system's construction, and is submitted prior to the approval's expiration date, shall be submitted with the following documentation:

(1) three (3) copies of the revised plan and specifications;

(2) two (2) copies of the revised design calculations, as required by subsection (b)(2); and

(3) the plan check fee, for the first hour, for each plan.

(i) An applicant with a revised standard plan approval shall submit the following to the department:

(1) an application for a standard plan approval as specified in subsection (b)(1) above;

(2) copies as specified in subsections (h)(1) and (2) above; and

(3) a resubmission fee, as specified in Section 2020.9 above, for each plan.

(j) A revised plan submitted pursuant to Section 2020.9 above, shall be processed as provided by subsection (h) or subsection (h) or subsection (i), depending upon whether or not the changes to the plan are substantive. A plan submitted after the final expiration shall be processed as a new application with appropriate fees assessed.

(k) When amendment of applicable laws or the department's regulations requires changes to an approved plan, the department shall:

(1) notify the applicant of the changes, and

(2) allow the applicant one hundred eighty (180) days from the date of notification to submit a revised plan for approval or until the expiration date of the standard plan approval, whichever occurs first.

(l) Written approval shall be evidenced by the department's stamp of approval on the plans. The stamp of approval shall include a unique department-issued standard plan approval identification number for each approved plan, specification, or installation instruction.

(m) Standard plan approval for each accessory building or structure, foundation system, or engineered tiedown system is contingent upon compliance with the requirements of this article. The department may conduct inspections to determine compliance with an approved plan. Violation of any of the provisions of this article or variations from an approved plan shall be cause for cancellation of the standard plan approval.

(n) Reproductions of an approved plan bearing a department-issued standard plan approval for the purpose of obtaining a permit to construct a foundation system or accessory building or structure shall be clear and legible.

(o) When an applicant who has obtained a standard plan approval, discontinues the business, has notified the department, or the department makes that determination, the standard plan approval shall be canceled.

(p) The department shall be notified of any change in the name of an applicant or change in name or ownership of an applicant's business. The department may grant a standard plan approval to the new owner, if the new owner provides a written certification that the accessory building or structure foundation system or engineered tiedown system will be constructed in accordance with the existing standard plan approval and submits the completed form designated by the department, together with a ten dollar ($10) fee. The certification, application, and fee shall be submitted for each plan with a separate standard plan approval.

(q) An applicant shall notify the department, in writing, within ten (10) days of any change to their address. The notification shall be accompanied with a ten dollar ($10) change of address fee.

(r) Plans with a standard plan approval from the department shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit if when the design loads and allowable soil conditions specified in the plans are consistent with the requirements for the locality. Local enforcement agencies shall not require the original signature or stamp of the architect or engineer on a standard plan approved by the department.

AUTHORITY:
Note: Authority cited: Sections 18865, 18870.2 and 18870.3, Health and Safety Code. Reference: Sections 18870.3, 18871.2 and 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12-29-2005; operative 1-1-2006 pursuant to Government Code section 11343.4 (Register 2005, No. 52).
3. Amendment of subsection (r) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2030. California Environmental Quality Act Compliance

Wherever the department is the enforcement agency, evidence of compliance with The California Environmental Quality Act, Public Resources Code, Division 13, commencing with section 21000, shall be submitted with an application for a permit to construct, enlarge a park.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18865.1, 18866.6 and 18870.1, Health and Safety Code; and Sections 21000, et seq., Public Resources Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2032. Permit Applications—Required Approvals

(a) All applications for permits to construct shall be submitted on the designated form provided by the enforcement agency.

(b) Applications for permits to construct or enlarge a park, shall be submitted with written evidence of compliance with the California Environmental Quality Act, along with written approval by all of the following:

(1) the local planning agency;

(2) the local health, fire, and public works departments;

(3) the local department responsible for flood control;

(4) the serving utilities; and

(5) any other public agencies having jurisdiction over the activity contained in the permit application.

(c) Park operator approval is required on all applications for a permit to construct, reconstruct or alter the park electrical, fuel gas, plumbing, or fire protection equipment or installations.

(d) Park operator approval is required with all applications for a permit to install a manufactured home or mobilehome pursuant to section 2118 of this chapter, or to alter any unit located in a park if such alteration would affect the electrical, fuel gas or plumbing system of the park.

(e) Park operator approval is required on all applications for permits to construct, reconstruct, install or alter an accessory building or structure or building component to be located or proposed to be located within a park.

(f) Written evidence of applicable local approvals may be required for permanent buildings, when the construction may impact local services.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.6 and 18870.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2034. Plans — General

(a) Three (3) complete sets of plans and specifications shall be submitted for all work to be performed, if required by the enforcement agency.

(b) Plans and specifications submitted to the enforcement agency shall be of sufficient clarity to indicate the nature and extent of all work proposed and show in detail that the work will conform to the provisions of this chapter.

(c) When the design of the system requires an engineering analysis of structural parts or methods of construction, the plans, specifications, and calculations shall be signed by an architect or engineer. At the time of submission, the engineer's stamp of approval must be current.

(d) Any deviation from the approved plans and specifications shall be approved by the designer, engineer, or architect and shall be submitted to the enforcement agency for approval.

(e) The enforcement agency may waive the requirement for plans and/or specifications when the proposed work is of a minor nature.

(f) Complete plans, specifications, calculations, and supporting data shall be submitted where the work proposed is not in conformity with or deviates from the provisions of this chapter.

(g) An approved set of plans and specifications and a copy of the permit to construct shall be kept on the job site until the enforcement agency has made a final inspection.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18865 and 18870.1, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section heading and subsection (c), repealer of subsections (g)-(i)(2) and (k)-(k)(4) and subsection relettering filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2038. Extension of Permit to Construct

(a) A permit to construct may be extended up to three (3) times during the life of a construction project. Each extension shall be limited to six (6) months. Only one extension of a permit to construct shall be granted if work described in the permit has not commenced. No permit to construct shall be extended more than two years from the date of issuance of the initial permit to construct.

(b) Where a permit to construct has expired, all work shall cease until a valid permit to construct has been issued by the enforcement agency. A reapplication need not be accompanied by plans and specifications or installation instructions where:

(1) construction is to be completed in accordance with plans filed with the initial permit to construct; and

(2) the approved plans are made available to the enforcement agency during the construction; and

(3) plans were approved less than two (2) years prior to the request for extension.

(c) Fees paid for a permit to construct shall be forfeited to the enforcement agency if the applicant does not start construction within six (6) months of the date of issuance of the permit, or upon expiration of the permit where work has commenced and no extension has been granted pursuant to subsection (a).

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18870.10, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer and new subsection (a) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2042. Swimming Pools

Construction and barrier requirements for public and private swimming pools constructed within a park are contained in the California Building Code.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2044. Construction

(a) All construction shall be performed in accordance with approved plans and specifications and shall not be changed, modified or altered without the express prior approval, when possible, of the person or entity providing the original approval and the enforcement agency.

(b) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of the Health and Safety Code or any of the provisions of this chapter or any other applicable law.

Whenever an issued permit, or the work that it authorizes, violates provisions contained in this chapter, the Health and Safety Code, or any other provisions of applicable law, the permit, or that portion of the permit that authorizes the work in violation, shall be deemed null and void.

(c) The issuance of a permit based upon plans and specifications shall not prevent the enforcement agency from thereafter requiring the correction of errors in these plans and specifications, nor shall the issuance of a permit preclude the enforcement agency's power to prevent occupancy of a building, accessory building or structure, or building component when it is found to be in violation of this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference; Sections 18870.1, 18871.3, 18872, 18873, 18873.3 and 18873.4 Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2045. Excavation and Grading

Except as provided in this chapter, the procedures relating to excavation, grading, and earthwork, including fills and embankments, are contained in the California Building Code, Appendix Chapter 33.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2046. Stop Order

Whenever any work is performed in violation of the provisions of this chapter, the Health and Safety Code, or any other applicable provisions of law, the enforcement agency shall post an order to stop work on the site and provide a written notice to the person responsible for the work being performed. The work shall immediately stop until authorized to proceed by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.5 and 18870, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2048. Inspections

(a) The person to whom a construction permit is issued shall request the inspection and all necessary re-inspections of that permitted construction project.

(b) Scheduled progress inspections are required for the following:

(1) any underground or enclosed work prior to covering;

(2) permanent buildings; and

(3) accessory buildings or structures, or building components.

(c) The required progress inspections shall occur at the following stages of construction, when applicable:

(1) Form inspection: When trenching is completed and forms have been set for the foundation, including all plumbing, mechanical, and electrical installations which may be concealed beneath the foundation or slab.

(2) Frame inspection: When all structural framing is completed, including all electrical, mechanical, and plumbing installations which are to be enclosed within the walls.

(3) Lath and/or wallboard inspection: When all lathing and/or wallboard interior and exterior is completed, but before any plaster is applied or before wallboard joints and fasteners are taped and finished.

(4) Final inspection: When the permanent building, accessory building or structure, or building component, is completed.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3, 18872, 18873.3 and 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a), new subsection (b), subsection relettering and amendment of newly designated subsection (c) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2050. Construction Permit Penalty

Any person commencing construction without a valid permit shall discontinue the construction until a permit to construct is obtained, and shall pay double all fees prescribed for the permit.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18870.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2052. Closing a Park

(a) In addition to the requirements of any other provisions of law, regulation, or applicable local ordinances, when an owner of a park chooses to close a park, in order for the enforcement agency to deem the park closed, the following procedures are required.

(1) Electric and gas services shall be disconnected by the serving utility at the service entrance to the property.

(2) Lot utility equipment must be rendered unusable or removed.

(3) All sewer connections must be capped with gas-tight covers.

(4) Septic systems must be prepared for abandonment in accordance with local health department requirements.

(5) Once the park is totally vacant, a Technical Service Fee shall be paid pursuant to section 2017, and a physical inspection performed by the enforcement agency verifying that the lots are not, and may not be, occupied.

(b) When the closed park is under the authority of a local enforcement agency, that agency shall notify the department within 30 days following verification that the park is closed.

(c) If a closed park is to be reopened, the person or entity proposing to reopen the park shall comply with the requirements of sections 2006.5, 2018 and 2032 of this chapter.

AUTHORITY:
Note: Authority cited: Sections 18865, 18870.3, 18871.10 and 18872, Health and Safety Code. Reference: Sections 18870.3, 18870.4, 18871.10 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

Article 2. General Park Requirements

§ 2100. Application and Scope

(a) The provisions of this article shall apply to the construction, use, maintenance, and occupancy of lots within parks in all parts of the state.

(b) Existing construction and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18872 and 18872.2, Health and Safety Code.
HISTORY:
1. New article 2 (sections 2100–2126) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2102. Responsibility

(a) The owner, operator, or the designated agent for the park shall be responsible for the safe operation and maintenance of all common areas, park–-owned electrical, gas, and plumbing equipment and their installations, and all park–-owned permanent buildings or structures, within the park. When not owned by the serving utility, the park is responsible for lot services to include the gas riser, water riser, lot drain inlet and the electrical pedestal. The unit owner is responsible for the connections to those utilities.

(b) The owner of a unit, its appurtenances, an accessory building or structure, or building component shall be responsible for the use and maintenance of the unit, its appurtenances, accessory building or structure, or building component and utility connections up to the lot services in compliance with the requirements of this chapter.

(c) Any person obtaining a permit to construct shall be responsible for the construction or installation in accordance with the requirements of this chapter.

(d) The operator of a park shall not permit a unit, accessory building or structure, building component, or any park utility to be constructed, installed, used, or maintained in the park unless constructed, installed, used, and maintained in accordance with the requirements of this chapter.

(e) Procedures related to notice of violation and responsibilities to abate violations are set forth in article 10, commencing with section 2600 of this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.2, 18866.3 and 18871.8, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (a) and (b) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2104. Lot Address Identification and Lot Line Marking

(a) All lots shall be identified by letters, numbers, or street address numbers. The lot identification shall be in a conspicuous location facing the roadway.

(b) All lots shall be defined by permanent corner markers. Corner markers shall be visible at grade and shall be installed in a manner that does not create a hazard.

(c) Permanent corner markers shall be any of the following:

(1) Pressure–treated wood, or wood of natural resistance to decay and insects, as determined in the California Residential Code, at least two (2) inches by two (2) inches in nominal dimension, driven into the ground to a depth of at least eighteen (18) inches, or six (6) inches if it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.

(2) Metallic pipe or rods protected from corrosion by galvanizing, paint, or a protective coating which resists corrosion, and is driven into the ground to a depth of at least eighteen (18) inches, or is driven into the ground to a depth of at least six (6) inches when it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.

(3) Schedule 40 or better PVC, ABS, or CPVC pipe driven into the ground to a depth of at least eighteen (18) inches, or driven into the ground to a depth of at least six (6) inches when it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.

(4) Saw cuts, blade marks, or scribe marks in a concrete or asphalt curb or roadway which are different in depth and nature than expansion joints.

(5) A nail with either a metal washer or surveyor’s marker, which is either driven or embedded into concrete or asphalt, curbs or streets.

(d) To determine the edge of a lot bordering a roadway with curbing, the lot ends at the beginning of the curbing; curbing is part of the roadway.

(e) Lot lines identifying individual lots or campsites are not required in an incidental camping area or temporary recreational vehicle park; however, the general locations where camping or parking will be permitted shall be shown on the map or plot plan of the incidental camping area or temporary recreational vehicle park.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18872, 18872.1 and 18872.2, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer of subsection (d) and subsection relettering filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment of subsection (c)(1) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2105. Lot Line Changes

(a) Compliance with this section shall be required for any lot line change within a park. Compliance with subsections (b), (c) and (e) of this section shall not be required for any lot line creation; however, notwithstanding any other provision of this chapter, a lot line creation shall comply with the requirements of section 2020.6.

(b) The park owner or operator shall submit to the enforcement agency an application for a permit to construct, on a form designated by that agency, for a lot line change, along with all of the following:

(1) three (3) copies of a detailed plot plan with an identified date of preparation and measurements, indicating both the existing and proposed locations of the lot lines, which shall indicate all of the following:

(A) the locations of and distances between any units, accessory buildings or structures, or other built improvements on the affected lots (such as patios or parking areas), within ten (10) feet of the current and proposed lot lines;

(B) the distances from all existing and proposed lot lines of the lots on which those units, buildings or structures, or other improvements are located;

(C) the number of lots affected;

(D) the addresses or other identifying characteristics of those affected lots;

(E) proof of delivery of copies of the plot plan to all persons with registration or rental agreements with the park having units on the affected lots by registered or certified mail, sent by at least first class mail;(F) the type(s) or marking(s) used to designate the existing and proposed lot line locations; and

(G) if the park is a common interest development, as defined in Civil Code section 1351, and lot line change involves encroaching into a common area, compliance with the approval provisions of Civil Code section 1363.07.

(2) the names and residence addresses of the persons with registration or rental agreements with the park having units on the lots affected by the lot line change and the addresses or other identification of their units' lots if different than the residence address;

(3) a copy of the original written authorization, signed and dated by each of the persons with registration or rental agreements with the park having units on the lots affected by the lot line change, that includes the following statement:

I, [*name of persons with registration or rental agreements with the park*], have received a copy of the plot plan dated [*date of plot plan*] proposing to change a lot line affecting the lot where my unit is located and I/we approve of the proposed change in the location of the lot line(s) as detailed on the plot plan.

(4) a written statement signed and dated by the park operator or the operator's agent that the lot; line change is substantially consistent in all material factors with both of the following:

(A) all health and safety conditions imposed by the local government as a condition of the initial construction of that space or the park; and

(B) prior applicable local land use requirements for the park; and

(5) the applicable permit fee as specified in section 2020.7 of this chapter.

(c) When the department is the enforcement agency and the number of lots in the park is increased or decreased by the change in lot lines pursuant to this section, the applicant shall deliver a written notice to the local planning agency, by personal delivery or by registered or certified mail, of the proposed change in the number of lots prior to or concurrent with its submission of the application to the department and provide a statement attesting to that delivery and the proof of delivery by either a stamped receipt or the proof of service by registered or certified mail. The notice shall include one copy of all the information required by paragraphs (1) through (4) of subsection (b) and the office address of the department's area office performing the inspection.

(d) The enforcement agency shall perform an on–site inspection prior to approval of a lot line change or creation, in order to ensure consistency with this chapter and the application. Any existing lot line markings shall remain in place until after approval by the enforcement agency for the lot line change. At the time of inspection the applicant, or his or her designee, shall permanently mark the new lot line or lot lines pursuant to section 2104 of this chapter and eradicate any preexisting lot line markings. No approval shall be given for lot line changes without identification to the satisfaction of the enforcement agency of the existing lot line locations.

(e) Following approval of the lot line change by the enforcement agency, the enforcing official shall sign and date the submitted plot plan signifying its approval. Copies of that approved plot plan shall then be given by the applicant to the persons with registration or rental agreements with the park having units on all the affected lots.

(f) No lot line shall be created, moved, shifted, or altered if the lot line creation or change will place a unit or accessory building or structure in violation of any provision of this chapter or any other applicable provision of law.

AUTHORITY:
Note: Authority cited: Sections 18865, 18872.1 and 18872.2, Health and Safety Code. Reference: Sections 18872, 18872.1 and 18872.2, Health and Safety Code; and Sections 1351 and 1363.07, Civil Code.

HISTORY:
1. New section filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
2. Editorial correction of 1 (Register 2005, No. 33).
3. Amendment of subsections (b)(1) and (b)(1)(E)-(F), new subsection (b)(1)(G) and amendment of Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2106. Roadways

All park roadways shall have a clear and unobstructed access to a public thoroughfare, except that a roadway may have security gates, if those security gates are not in violation of local government requirements.

(a) In parks, or portions thereof, constructed prior to September 15, l961,

(1) each lot shall have access to a roadway of not less than fifteen (15) feet in unobstructed width.

(2) No vehicle parking shall be allowed on roadways less than twenty–two (22) feet in width. If vehicle parking is permitted on one side of the roadway, the roadway shall be a minimum of twenty–two (22) feet in width. If vehicle parking is permitted on both sides of the roadway, the roadway shall be not less than thirty (30) feet in width.

(b) In parks constructed on or after September 15, 1961,

(1) each lot shall have access to a two-way roadway of not less than eighteen (18) feet, or a one–lane, one–way roadway not less than twelve (12) feet, in unobstructed width.

(2) No vehicle parking shall be allowed on one–way, one–lane roadways less than nineteen (19) feet in width. If vehicle parking is permitted on one side of a one–lane roadway, the roadway shall be a minimum of nineteen (19) feet in width. If vehicle parking is permitted on both sides of a one–lane roadway, the roadway shall be at least twenty–six (26) feet in width.

(3) No vehicle parking shall be allowed on two–lane, two–way roadways less than twenty–five (25) feet in width. If vehicle parking is permitted on one side of a two–way roadway, the roadway shall be a minimum of twenty–five (25) feet in width. If vehicle parking is permitted on both sides of a two–way roadway, the roadway shall be at least thirty–two (32) feet in width.

(c) Roadways designed for vehicle parking on one side shall have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway, in order to provide a continuously open and unobstructed roadway, clearly visible at any given point of the roadway where parking is prohibited.

(d) A two–way roadway divided into separate, adjacent, one–way traffic lanes by a curbed divider or similar obstacle shall be not less than twelve (12) feet in unobstructed width on each side of the divider.

(e) In parks which were constructed after September 23, l974, and which contain not more than three (3) lots, each lot shall abut a roadway that is not less than twenty (20) feet in unobstructed width.

(f) Roadways, other than those necessary for maintenance by the operator, are not required in incidental or tent camp areas.

(g) Roadways required for emergency vehicles and the operation and maintenance of incidental camping areas and of tent camps shall be maintained to provide safe passage of vehicular traffic.

(h) Paving is not required for roadways or driveways unless it is necessary for compliance with section 2116 of this chapter.

(i) At the request of the park owner/operator, the local fire protection agency may designate the sides or portions of roadways in a park as fire lanes provided those designations do not conflict with the roadway widths of this section.

(j) If a park owner or operator proposes reducing the width, or changing the layout or configuration, of the park roadways from the way they were previously approved or constructed, local fire protection agency acknowledgment of the change shall be submitted to the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18865, 18865.05, 18865.3 and 18873.5, Health and Safety Code. Reference: Section 18872.2 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of section and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2108. Park Lighting

In every park, lighting shall be installed which is capable of providing:

(a) An average of five (5) horizontal foot candles of light; at the floor level at entrances to toilet and shower buildings, laundry buildings, and recreation buildings when the buildings are in use during the hours of darkness.

(b) An average of ten (10) horizontal foot candles of light at the floor level within toilet and shower buildings, laundry buildings, and recreation buildings when the buildings are in use during the hours of darkness.

(c) An average of two–tenths (2/10) horizontal foot–candles of light the full length of all roadways and walkways within a park during the hours of darkness.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.7, 18873 and 18873.2, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

2. Amendment of subsection (c) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 2110. Occupied Area

(a) The occupied area of a lot, consisting of the unit, and all accessory buildings and structures including, but not limited to awnings, stairways, ramps and storage cabinets, shall not exceed seventy–five (75) percent of the lot area.

(b) For purposes of this chapter, patios and paved or concreted areas on grade, and the area of accessory buildings or structures located under another accessory structure, such as a storage cabinet or porch under an awning or carport, are not included in the measurement of the occupied area. The occupied area shall be determined as if viewed from overhead looking directly down on the lot.

AUTHORITY:
Note: Authority cited: Section 18865 and 18865.05, Health and Safety Code. Reference Sections 18872 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of subsection (b) and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2112. Required Toilet and Shower Facilities

Toilets, showers, and lavatories shall be provided as follows:

(a) In parks constructed and operated exclusively for dependent units, at least one toilet, one shower, and one lavatory for each gender for each fifteen (15) dependent unit lots shall be provided.

(b) In parks constructed after July 7, 2004, containing dependent lots or allowing dependent units, at least 1 toilet, shower, and lavatory, for each gender, for each twenty-five (25) lots shall be provided, or fractional part thereof.

(c) In parks constructed on or before July 7, 2004, containing dependent lots or allowing dependent units, the following minimum ratio of toilets, showers, and lavatories for each gender shall be maintained:

Lots	*Toilets*	*Showers*	*Lavatories*
1–25	1	1	1
26–70	2	2	2

One additional toilet shall be provided for each gender, for each one hundred (100) additional lots, or fractional part thereof in excess of seventy (70) lots.

(1) Independent, individually enclosed, lockable facilities containing one (1) toilet and lavatory, or shower, may be designated as unisex on an equal one (1) to one (1) ratio to gender-designated facilities, as described in this section, provided the number of gender-designated facilities remain equal.

(2) Sufficient toilets shall be reserved for the exclusive use of the occupants of the lots in the park.

(3) Toilets, lavatories, and showers shall be within five hundred (500) feet of all dependent unit lots or lots not provided with a lot water service outlet and a three (3) inch lot drain inlet.

(4) Toilet, lavatory and shower facilities shall be separated and distinctly marked as either men or women, or unisex.

(5) Showers shall be provided with hot and cold running water. Each shower shall be contained within a separate compartment. Each shower compartment shall be provided with a dressing area of not less than six (6) square feet of floor area that shall have hooks for hanging clothing and a bench or chair for use by the occupant.

(6) Toilets shall be installed in separate compartments.

(7) Toilet and shower facilities are not required in tent and dry camps but, if installed, shall comply with this section. Sanitary facilities that do not comply with this section, such as chemical toilets, may be installed if approved by the local health department.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18873, 18873.1 and 18873.2, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (b)-(c)(1) and (c)(3) filed 7-22-2005; operative 7-22-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment of subsection (c)(7) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2114. Animals

(a) Dogs, and other domestic animals, and cats (domestic or feral) shall not be permitted to roam at large (free) in any park.

(b) Animal feces shall not be permitted to accumulate on any lot or common area in a park to the extent that they create a nuisance.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.6, Health and Safety Code.

HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2116. Park and Lot Area Grading

(a) The park area and park roadways shall be so graded that there will be no depressions in which surface water will accumulate and remain for a period of time that would constitute a health and safety violation as determined by the enforcement agency. The ground shall be sloped to provide storm drainage run–off by means of surface or subsurface drainage facility.

(b) Each lot shall be graded to prevent the migration of water to the underfloor area of a unit, or accessory building or structure. Other methods to prevent the migration of water beneath a unit, or accessory building or structure may be approved by the department as alternates, in accordance with section 2016 of this chapter.

(c) To provide for unanticipated water entering the area beneath a unit, or accessory building or structure, that area shall be sloped to provide for drainage to an approved outside drainage way. Other positive passive drainage methods may be approved by the department as an alternate, in accordance with section 2016 of this chapter.

(d) Drainage from a lot, site, roadway, or park area shall be directed to a surface or subsurface drainage way and shall not drain onto an adjacent lot, or site.

(e) The area of the lot where the camping cabin is to be installed shall be graded to not more than a 2% grade.

(f) Fills necessary to meet the grading requirements of this section shall comply with section 2045 of this chapter.

(g) Minor load bearing grading and area fills that are made with a compacted class 2 aggregate and that do not exceed six (6) inches in depth, do not require additional approvals.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18863.4 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (g) and Note filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 2118. Lot Occupancy

(a) Parks shall accommodate only recreational vehicles, tents, and camping cabins.

(b) A manufactured home or mobilehome shall not be located or installed in a park except for use by persons employed in the management or operation of the park.

(c) A permanent building, garage, cabana, or storage building shall not be constructed or installed on any lot in a park.

(d) Lot occupancy shall not exceed the number of persons in a camping party as defined in section 18862.7 of the Health and Safety Code.

(e) When the provisions of this section allow two units or tents on a single lot, the separation requirements contained in subsection 2330(a) do not apply to the units or tents on that lot.

(f) The following shall apply to lots in parks designed to accommodate recreational vehicles.

(1) Except as provided in paragraph (2) of this section, lot shall accommodate no more than:

(A) one (1) recreational vehicle and one (1) tent, or

(B) one (1) camping cabin, or

(C) two (2) tents, or

(D) one (1) manufactured home or mobilehome used in accordance with subsection (b).

(2) When used as a frequent means of transportation, a self–propelled recreational vehicle or truck mounted camper may be parked beside an occupied unit. That vehicle shall not be occupied or connected to the lot's utility facilities or interconnected with the occupied unit.

(g) The following shall apply in parks designated as incidental camping areas.

(1) An incidental camping area shall accommodate only recreational vehicles, tents, or campers furnishing their own camping equipment.

(2) A cabana, ramada, garage, or permanent building shall not be constructed, or installed, on any campsite in an incidental camping area.

(3) An incidental camping area campsite shall accommodate no more than:

(A) two (2) recreational vehicles, or

(B) one (1) camping party, or

(C) two (2) tents, or

(D) one (1) recreational vehicle and one (1) tent, or

(E) one (1) camping cabin.

(h) The following shall apply in parks designated as tent camps.

(1) A recreational vehicle shall not be permitted to occupy a tent lot or campsite.

(2) Occupancy of lots or campsites is limited to one (1) camping party which may be permitted to occupy not more than two (2) tents on the lot or campsite.

(3) Accessory buildings or structures shall not be constructed, or installed, on any campsite or tent lot in a tent camp.

(i) The following shall apply in parks designated as temporary recreational vehicle parks.
(1) A temporary recreational vehicle park shall accommodate only recreational vehicles and tents.
(2) Accessory buildings or structures shall not be constructed, or installed, on any lot, or campsite.
(3) A temporary recreational vehicle park lot shall accommodate no more than:
(A) two (2) recreational vehicles, or
(B) one (1) camping party, or
(C) two (2) tents, or
(D) one (1) tent and one (1) recreational vehicle.

AUTHORITY:
Note: Authority cited: Sections 18865, 18865.05 and 18865.3, Health and Safety Code. Reference: Sections 18871, 18871.3, 18872, 18873, 18873.1 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. New subsection (f), subsection relettering and amendment of Note filed 12–26–2006; operative 1–2–2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
3. Repealer of subsection (c) and subsection relettering filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2119. Truck Campers Occupied off a Vehicle

No person shall occupy a truck camper, as defined in Health and Safety Code section 18013.4, that has been dismounted from a truck or other vehicle, unless all of the following requirements are met:

(a) The park's rules allow truck camper occupancy while removed from the truck or other vehicle.

(b) The truck camper is equipped with a permanently mounted jack on each of its four (4) corners that is capable of adequately supporting both the camper and occupant loads.

(c) Each truck camper jack shall be placed on a footing that has a minimum ground contact of at least sixty-four (64) square inches that complies with the loads, materials and dimensions as described in subsection 2334(e) of this chapter.

(d) Immediately upon removal from the truck or other vehicle, the truck camper shall be lowered to no more than twelve (12) inches and no less than six (6) inches from the ground at its lowest point and shall be reasonably level.

(e) The truck camper shall not remain in the park in a dismounted state for more than thirty (30) consecutive days or a period of time established in the written rules of the park, whichever is less.

(f) The owner or occupant of the truck camper shall have a readily available, operable vehicle on which to remount the truck camper if the dismounted truck camper becomes unstable or for removal from the park.

AUTHORITY:
Note: Authority cited: Section 18865, 18871.10 and 18872, Health and Safety Code. Reference: Sections 18013.4, 18865.3, 18871.10 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2120. Rubbish and Accumulation of Waste Material

(a) 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.

(b) Waste paper, hay, grass, straw, weeds, litter, or combustible flammable waste, refuse, or rubbish of any kind shall not be permitted, by the park owner or operator, to remain upon any roof or on any vacant lot, open space, or common area.

(c) The park area shall be kept clean and free from the accumulation of refuse, garbage, rubbish, excessive dust, or debris.

(d) The park operator shall ensure that a collection system is provided and maintained, with covered containers, for the safe disposal of rubbish.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18872 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2122. Emergency Information

The requirements of this section shall be printed and posted in a conspicuous place on the premises and shall contain the following information:

(a) List the following telephone numbers:
(1) Fire Department
(2) Police Department or Sheriff's Office.
(3) Park Office.
(4) The responsible person for operation and maintenance.
(5) Enforcement agency.
(b) List the following locations:

(1) Nearest fire alarm box, when available.
(2) Park location (street or highway numbers).
(3) Nearest public telephone.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2126. Lot Utility Location

When utility equipment to supply electrical power, water, sewer or gas is provided to a lot, the utilities shall be located in the rear half (1/2) of the lot on the right side when facing the lot from the roadway and within four (4) feet of the side of the proposed location of the unit.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.3, Health and Safety Code. Reference: Sections 18872, 18873.1, 18873.3 and 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

Article 3. Electrical Requirements

§ 2130. Application and Scope

(a) The requirements of this article shall apply to all parks, accessory buildings or structures, and units, (except within permanent buildings), in all parts of the state, to the construction, installation, alteration, repair, use, and maintenance of all electrical wiring and equipment for supplying electrical energy to all units.

(b) Existing electrical construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Sections 18865, 18872 and 18873.3, Health and Safety Code. Reference: Sections 18872 and 18873.3, Health and Safety Code.
HISTORY:
1. New article 3 (sections 2130–2190) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2132. Permanent Building Electrical Regulations

Requirements for electrical equipment and installations within permanent buildings in parks are found in the California Electrical Code.

AUTHORITY:
Note: Authority cited: Sections 18865, 18873 and 18873.3, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2134. Basic Electrical Regulations

(a) Except as otherwise permitted or required by this article, all electrical equipment and installations outside of permanent buildings in parks shall comply with the requirements for installations of 600 volts or less found in the California Electrical Code.

(b) All park–owned overhead electrical equipment of park electrical systems shall also comply with the applicable requirements of the current California Public Utilities Commission Rules for Overhead Electrical Line Construction, General Order No. 95. If there is any conflict between the provisions contained in the California Electrical Code and General Order 95, the provisions of General Order 95 shall prevail.

(c) All park–owned underground electric equipment of park electrical systems shall also comply with the applicable requirements of the current California Public Utilities Commission, Rules for Underground Electrical Supply and Communications Systems, General Order No. 128. If there is any conflict between the provisions contained in the California Electrical Code and General Order 128, the provisions of General Order 128 shall prevail.

(d) All additions or alterations to existing or new parks shall have plans submitted in compliance with section 2034 of this chapter.

(e) Except as otherwise permitted or required, all high voltage (exceeding 600 volts) electrical installations outside of permanent buildings within parks, shall comply with the applicable requirements of Title 8, California Code of Regulations, Chapter 4, Subchapter 5, Group 2, High Voltage Electrical Safety Orders.

(f) If there is any conflict between the provisions of this chapter, General Order 95, General Order 128, or the California Electrical Code, the provisions of this chapter shall prevail.

Note: General Order Numbers 95 and 128 may be obtained from the California Public Utilities Commission (CPUC), Technical Library, 505 Van Ness Ave., San Francisco, CA 94102 or by calling the CPUC at (415) 703–1713. They may also be viewed on line at www.cpuc.ca.gov.

AUTHORITY:
Note: Authority cited: Sections 18865, 18865.05 and 18873.3, Health and Safety Code. Reference: Sections 18872 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (b)–(c) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of subsections (b), (c) and (f) and amendment of Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2136. Conductors and Equipment

(a) Six–hundred (600) volts or less. For purposes of this chapter, all electrical conductors and equipment rated at 600 volts or less, installed outside of permanent buildings in park electrical wiring systems constructed, or approved for construction, shall be listed and labeled as approved for their intended use.

(b) Greater than 600 volts. Conductors and equipment installed in systems operated at more than 600 volts shall comply with the applicable provisions contained in the California Electrical Code, Article 490, and the High Voltage Safety Orders contained in Title 8, California Code of Regulations, Chapter 4, Subchapter 5, Group 2.

(c) A grounded neutral conductor may be a bare conductor when properly isolated from phase conductors. A bare neutral conductor, or a bare concentric stranded conductor of a cable used as a grounded neutral conductor, shall be copper when installed underground. These types of systems shall be solidly grounded.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2138. Energizing

Lot electrical equipment and installations shall not be energized until inspected and approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2140. Distribution System

(a) The park electrical wiring system shall be designed to supply adequate electrical energy to all lots and all other connected loads, as determined by this article.

(b) Electrical energy supplied to a lot and all other connected loads shall be nominal 120/240 volts, single phase.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2142. Design and Plan Requirements — Electrical

(a) Electrical plans shall include a single line diagram of the electrical equipment to be installed, altered or changed. Complete load calculations of the electrical system shall be provided with plans.

(b) Complete engineering plans, specifications, calculations and supporting data, stamped and signed by an electrical engineer, shall be submitted when the park's electrical main service or any of the electrical wiring system exceeds the voltage of the secondary system.

(c) Any person applying for a permit to install additional electrical equipment in a park shall submit the following information with the application for a permit to construct:

(1) The size of the feeder circuit and overcurrent protection of that feeder circuit; and

(2) The number of lots and the load of any other electrical equipment supplied by the feeder circuit.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870.1 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2146. Voltage Drop

The voltage drop shall not exceed five (5) percent on the park electrical wiring system from the park service to the most remote outlet on the system, except that taps to compensate for below normal full capacity voltage may be used

on the primary side of secondary distribution transformers to correct for voltage drop on the primary feeders. The voltage of secondary systems shall not exceed a nominal 240 volts.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2148. Overcurrent Protection

(a) Conductors shall be protected by overcurrent protective devices. A fuse or circuit breaker rating shall not be greater than the allowable ampacity of the conductors to be protected as specified in Tables 310–16 through 310–19 in the California Electrical Code, except as provided in Articles 210, 240, and 430.

(b) All electrical equipment and devices, including service equipment, transformers and receptacles, shall be protected by overcurrent protective devices rated at not more than the rating of the equipment or device, except as provided in Articles 210, 240, 430, and 450 of the California Electrical Code.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2150. Park Electrical Disconnecting Means

(a) Each service equipment enclosure for the park shall be provided with a single main disconnect switch or circuit breaker lockable in the open position for disconnecting the electrical wiring system or systems of the park.

(b) A disconnecting means shall be provided for disconnecting each distribution transformer. When the disconnecting means is not installed immediately adjacent to the distribution transformer, it shall be identified as to its usage and shall be arranged to be locked in the open position.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2151. Lot Electrical Disconnecting Means

A single disconnecting switch or circuit breaker shall be provided in the lot service equipment for disconnecting the power supply to the unit. The disconnecting switch, circuit breaker or its individual enclosure shall be clearly marked to identify the lot serviced.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2152. Ground–Fault Protection

Ground–fault protection of park service equipment shall be provided for solidly grounded wye electrical services of more than 150 volts to ground, but not exceeding 600 volts phase–to–phase for each service disconnecting means rated at 1,000 amperes or more. Each service disconnecting means rated 1000–amperes or more shall be performance tested when first installed, as required by the California Electrical Code, Section 230–95. The test shall be conducted in accordance with approved instructions, which shall be provided with the equipment. A written record of this test shall be made and shall be available to the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 2153. Equipment Grounding

Exposed noncurrent–carrying metal parts of fixed electrical equipment shall be grounded as required by the California Electrical Code, Article 250.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2154. Primary System Grounding—600 Volts or Less

(a) When the park electrical service is supplied by a grounded system operated at 600 volts or less, an equipment grounding conductor shall be run with the feeders of the park primary electrical system to all equipment supplied by the primary electrical system.

(b) Park primary electrical systems within the park operated at 600 volts or less supplied by an ungrounded system shall not be grounded.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2156. Primary System Grounding—Over 600 Volts

(a) Park primary electrical systems within the park operated at more than 600 volts supplied by a grounded system shall be grounded at the park service.

(b) Park primary electrical systems within the park operated at more than 600 volts supplied by an ungrounded system shall not be grounded.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2158. Secondary Systems—Lot Service Equipment

The neutral conductor of all secondary systems supplying lot service equipment shall be grounded at both the secondary system source and the lot service equipment.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2160. Secondary Systems—Other than Lot Service Equipment

The neutral conductor of all secondary systems supplying equipment other than lot service equipment shall be grounded as required by the California Electrical Code, article 250.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2162. Grounding Connections

System grounding conductors and equipment grounding conductors shall be connected as required by the California Electrical Code, article 250. The connection of a grounding conductor to a grounding electrode shall be exposed and readily accessible.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2163. Grounding of Units

All exposed, noncurrent–carrying metal parts of a unit, when connected to the lot service equipment, shall be grounded by means of a grounding conductor run with the circuit conductors or in a listed power supply cord provided with an approved polarized multi–prong plug. One prong of the plug shall be for the sole purpose of connecting that grounding conductor, by means of a listed and approved grounding receptacle, to the grounded terminal at the lot service. The conductor shall be insulated and identified by a green color.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2164. Feeder Assembly

The neutral conductor and the equipment grounding conductor of the feeder assembly supplying service equipment shall be connected to the grounding electrode at each lot service enclosure.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:

1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2166. Grounding Conductors

Only copper grounding conductors shall be used to connect electrical systems to a grounding electrode. Grounding conductors shall be protected from physical damage by cabinet enclosures, raceways or cable armor.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2170. Protection of Outdoor Equipment

(a) All electrical equipment, including switches, circuit breakers, receptacles, lighting fixtures, control equipment, and metering devices located in either damp or wet locations or outside of a unit, accessory building or structure, or a building component designed as a weatherproof structure shall be constructed of, or installed in, equipment approved for damp or wet locations.

(b) Meter sockets, without meters installed, shall be blanked off with an approved blanking plate before the service is energized.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2176. Aluminum Conductors

(a) Connections of aluminum conductors shall be made only inside boxes or equipment enclosures which are designed and installed to prevent the entry or accumulation of moisture within the enclosure.

(b) Only connectors which are listed for use with aluminum conductors shall be used to connect aluminum conductors. If more than one conductor is connected to a connector, the connector shall be provided with a terminal fitting for each conductor.

(c) Prior to inserting an aluminum conductor into the connector, the conductor from which the insulation has been removed shall be wire–brushed and sealed with an approved oxide–inhibiting joint compound.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2178. Mechanical Protection

Where subject to physical damage from vehicular traffic or other causes, the lot service equipment shall be protected by posts, fencing or other barriers approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2180. Lot Service Equipment

(a) The rating of the overcurrent protection in the lot service equipment shall not exceed the rating of the connected feeder assembly. Lot service equipment may contain any or all of the approved receptacles conforming with section 2186 of this chapter.

(b) Lot service equipment may also contain the means for supplying accessory structures or other electrical equipment located on the lot, provided the lot service equipment is designed and listed for such application.

(c) Only one (1) power supply connection shall be made to a unit.

(d) Lot service equipment may also contain additional receptacles for supplying portable electrical equipment, provided that such receptacles are listed grounding–type receptacles. All 120–volt, single–phase, 15– and 20–ampere receptacle outlets in lot service equipment shall be protected by ground–fault circuit protection. The requirement for ground–fault circuit protection shall not apply to equipment or installations constructed, installed, or approved for construction or installation prior to September 1, l975.

(e) When an electrical meter is installed as an integral component of the lot service equipment, it shall be of a class or rating that will accurately measure all loads up to the rated ampacity of the lot service equipment.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18871, 18871.10 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2182. Installation of Lot Service Equipment

(a) Approved lot service equipment supplied by underground feeders may be of the self–supporting type and shall be stabilized by concrete not less than three and one–half (3 1/2) inches thick and surrounding the equipment base by not less than six (6) inches beyond the equipment base in all directions.

(b) Approved lot service equipment supplied by underground feeders requiring installation on a mounting post shall be securely fastened to a nominal four (4) inches by four (4) inches redwood or pressure treated post or equivalent. The post shall be installed not less than 24 inches in the earth and stabilized by a concrete pad. The concrete pad shall be not less than three and one–half (3 1/2) inches thick, surrounding the post base by not less than six (6) inches beyond the post base in all directions. The equipment shall be mounted with the bottom of the equipment not less than twelve (12) inches above the stabilizing concrete pad.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2183. Access to Electrical Equipment

All park or lot service equipment shall be accessible by an unobstructed entrance or passageway not less than twenty–four (24) inches in width and seventy–eight (78) inches high, and shall have a working space not less than thirty (30) inches wide and thirty–six (36) inches deep in front of any panel opening on the service equipment used for examination, servicing, adjustment, or maintenance. The lot service equipment shall be located and maintained not less than twelve (12) inches nor more than seventy–eight (78) inches above the stabilizing pad.

EXCEPTION: parks constructed prior to July 1, 1979, shall have a working space not less than 30 inches wide and 30 inches deep in front of and centered on the service equipment.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2185. Electrical Appliances and Equipment

(a) When electrical equipment or fixed appliances are installed to serve an accessory structure, the installation shall be supplied by means of a permanent wiring method to the lot service equipment, provided the lot service equipment is designed and listed for the additional load.

(b) If the park electrical system or the feeder supplying the lot electrical service equipment does not have the ampacity to supply the equipment in addition to its connected load, a permit to construct, as required in section 2018 of this chapter, shall be obtained for alteration of the required service supply and equipment.

(c) All electrical appliances and equipment not located within enclosed weatherproof structures must be approved for use in wet locations.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. New subsection (c) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 2186. Lot Receptacles

(a) A receptacle used to supply electrical energy to a unit shall conform with the American National Standards Institute–National Electrical Manufacturers Association (ANSI–NEMA) Standard, WD–6, 1997 for one of the following configurations:

(1) 125/250 volts, 50–amperes, 3 pole, 4 wire, grounding type for 120/240 volt systems.

(2) 125 volts, 30–amperes, 2 pole, 3 wire, grounding type for 120 volt systems.

(3) 125 volts, 20–amperes, 2 pole, 3 wire, grounding type for supplying units having only one 15 or 20–ampere branch circuit.

(b) ANSI–NEMA Standards may be obtained on–line from www.nema.org or by calling (703) 841–3200 or by writing to NEMA, Communications Department, 1300 North 17th Street, Rosslyn, Virginia, 22209.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2188. Existing Electrical Installations

(a) Lot service equipment shall have the capacity to supply the unit, appliance, accessory building or structure, and building component located on the lot. The park operator may prohibit the installation of a unit, appliance, accessory building or structure, or building component that exceeds the rated capacity of the lot electrical service, unless the load in the unit, appliance, accessory building or structure, or building component is reduced. If the unit or electrical appliance is allowed to be installed by the park and the connected load on the lot exceeds the rated capacity of the lot electrical service equipment, the lot electrical service equipment and feeders shall be replaced with equipment and conductors properly rated to supply the unit, appliance, or accessory building or structure. Notwithstanding the provisions of this subsection, park approval is required when an alteration or addition to the existing electrical system of the unit, appliance, accessory building or structure, or building component will exceed the rated capacity of the lot service equipment.

(b) The enforcement agency may order unsafe installations of existing electrical systems or portions thereof to be reconstructed or altered, if necessary for the protection of life and property.

(c) The use of electrical equipment and installations in existence prior to the effective date of applicable amendments to this chapter may be continued, provided such equipment and installations are maintained in safe operating condition and the calculated connected loads do not exceed the rated ampacity of such equipment and installations.

(d) Lot electrical service equipment may continue supplying accessory buildings or structures or building components or other electrical equipment located outside the unit, provided the lot electrical service has the capacity to serve them and the equipment is maintained in a safe operating condition.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871, 18871.10, 18872 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2190. Authority to Order Disconnect—Electrical

The enforcement agency is authorized to require any electrical installation or equipment found to be defective, and in such condition as to endanger life or property, to be disconnected. Installations which have been disconnected shall not be re–energized until a permit has been obtained to repair the electrical installation or equipment and the work has been inspected and approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 4. Fuel Gas Requirements

§ 2200. Application and Scope

(a) The requirements of this article shall apply to the construction, installation, arrangement, alteration, use, maintenance, and repair of fuel gas equipment and installations for supplying fuel gas to parks, and units in all parts of the state.

(b) Existing construction, connections, and installations of fuel gas made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Sections 18865, 18872 and 18873.4, Health and Safety Code. Reference: Sections 18872 and 18873.4, Health and Safety Code.
HISTORY:
1. New article 4 (sections 2200–2236) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2206. Federal Regulations

A park gas piping distribution system is subject to the Pipeline Safety Law of 1994 and regulations adopted by the Office of Pipeline Safety Operations. The applicable regulations are contained in Title 49 of the Code of Federal Regulations, Parts 191 and 192.

(a) The operator of a park gas piping system is responsible for complying with the federal regulations in addition to this chapter. A permit is not required from the enforcement agency for the installation of cathodic protection if the existing gas piping system is not otherwise altered.

This chapter does not prohibit the installation of cathodic protection systems and requirements for corrosion control of buried or submerged metallic gas piping systems required by the federal regulations in existing systems. If there is any conflict between the provisions of this chapter and the federal regulations, the provisions of the federal regulations shall prevail.

(b) Plans and specifications for the installation of a metallic gas piping system shall specify methods of protecting buried or submerged pipe from corrosion, including cathodic protection, unless it can be demonstrated that a corrosive

environment does not exist in the area of installation. The design and installation of a cathodic protection system shall be carried out by, or under the direction of, a person qualified by experience and training in pipeline corrosion methods so that the cathodic protection system meets the requirements of Title 49 of the Code of Federal Regulations, Parts 191 and 192.

(1) All buried or submerged metallic gas piping shall be protected from corrosion by approved coatings or wrapping materials. All gas piping protective coatings shall be approved types, machine applied, and conform to recognized standards. Field wrapping shall provide equivalent protection and is restricted to those short sections and fittings necessarily stripped for threading or welding. Risers shall be coated or wrapped to a point at least six (6) inches above grade.

(2) All metallic gas piping systems shall be installed in accordance with plans and specifications approved by the enforcement agency, including provisions for cathodic protection. When the cathodic protection system is designed to protect only the gas piping system, the gas piping system shall be electrically isolated from all other underground metallic systems or installations. When a cathodic protection system is designed to provide all underground metallic systems and installations with protection against corrosion, all such systems and installations shall be electrically bonded together and protected as a whole.

(3) When non–metallic gas piping is installed underground, a locating tape or No. 18 AWG or larger copper tracer wire shall be installed with and attached to the underground piping for the purpose of locating the piping system. The locating tape or tracer wire shall terminate above grade at an accessible location at one or more ends of the piping system. Every portion of a plastic gas piping system consisting of metallic risers or fittings shall be cathodically protected against corrosion.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2208. Basic Fuel Gas Regulations

(a) Except as otherwise permitted or required by this article, all fuel gas equipment and installations for supplying fuel gas to units or accessory buildings or structures, and fuel gas piping systems outside of permanent buildings in parks, shall comply with the requirements found in the California Plumbing Code, Chapter 12.

(b) The requirements for fuel gas equipment and installations within permanent buildings in parks are located in the California Mechanical Code, and the California Plumbing Code unless provided otherwise in this chapter. However, in a city, county, or city and county, which has assumed responsibility for enforcement of the Mobilehome Parks Act and Special Occupancy Parks Act, pursuant to sections 18300 and 18865 of the Health and Safety Code, and has adopted and is enforcing a plumbing and mechanical code equal to or greater than the requirements of The California Plumbing Code and California Mechanical Code, may enforce its code as it pertains to permanent buildings.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.4, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2210. Liquefied Petroleum Gas (LPG)

All LPG equipment and installations of tanks one hundred twenty-five 125 US gallons or larger shall comply with the applicable provisions of the Unfired Pressure Vessel Safety Orders, California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 1, unless otherwise provided by this chapter.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.4, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2211. LPG Tanks

(a) LPG tank installations in parks must conform to the provisions related to LPG tanks contained in Chapter 38 of the California Fire Code.

(b) Units designed and constructed with securely mounted tanks may be served by either the lot or mounted tanks, but not by both at the same time.

(c) A permit from the enforcement agency is required to install any LPG fuel tank exceeding sixty 60 U. S. gallons.

(d) LPG tanks shall be designed and constructed in accordance with nationally recognized standards for unfired pressure vessels.

(e) LPG tanks shall be securely, but not permanently, fastened to the mobilehome or recreational vehicle hitch or a substantial post to prevent accidental overturning.

(f) All LPG tanks located in a floodplain as designated by the local floodplain management agency, shall be securely anchored to prevent flotation.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. New subsections (e) and (f) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2212. Location of LPG Tanks

(a) Except for tanks on personal, portable LPG fueled appliances, no LPG tank shall be stored or located in any of the following locations:

(1) within five (5) feet of any source of ignition (lot electrical service is not a source of ignition);

(2) within five (5) feet of any mechanical ventilation air intake;

(3) under any unit or habitable accessory building;

(4) within any structure or area where three (3) or more sides are more than fifty (50) percent closed; or

(5) Within five (5) feet of property lines and lot lines of adjacent lots that can be built upon.

(b) No LPG tank shall be filled within ten (10) feet of a source of ignition, openings into direct–vent (sealed combustions system) appliances, or any mechanical ventilation air intake.

(c) An LPG system within a motor–driven vehicle or recreational vehicle is exempt from the requirements of subsections (a) and (b).

(d) An LPG tank may be located under a ventilated snow cover. The snow cover shall not be enclosed or connected to any other structure and shall not extend more than one (1) foot beyond the tank in any horizontal direction.

(e) LPG tanks that are less than 125 U.S. gallons may be located immediately adjacent to a unit or building or accessory building or structure if all of the requirements of subsection (a) of this section are met.

(f) The discharge from the LPG tank pressure relief device shall be at least five (5) feet horizontally from the unit or another structure's openings below the level of such discharge.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of section heading and subsection (a), amendment of subsections (a)(3)-(4) and new subsections (a)(5) and (e)-(f) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2216. Installation

(a) All main line gas piping installed below ground shall have a minimum earth cover of:

(1) twenty-four (24) inches or,

(2) eighteen (18) inches when installed in the same trench as other utilities; and covered with clean fill free from stones, boulders, cinderfill, construction debris or other material that may damage the piping.

(b) Gas service lines installed below ground shall have a minimum cover of 18 inches.

(c) Existing piping installations in compliance with the requirements in effect at the time of its installation may continue in use in accordance with section 2200 of this Chapter.

(d) Gas piping shall not be installed underground beneath buildings, concrete slabs or other paved areas of a lot directly abutting the unit, or that portion of the lot reserved for the location of units, or accessory or structures, unless installed in a gastight conduit.

(1) The conduit shall be pipe approved for installation underground beneath buildings and not less than schedule 40 pipe. The interior diameter of the conduit shall be not less than one–half (1/2) inch larger than the outside diameter of the gas piping.

(2) The conduit shall extend to a point not less than twelve (12) inches beyond any area where it is required to be installed, any potential source of ignition or area of confinement, or the outside wall of a building, and the outer ends of the conduit terminating underground shall be sealed. Where one (1) end of the conduit terminates within a building, unit, accessory building or structure, or building component, it shall be readily accessible and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building, unit, accessory building or structure, or building component.

(3) The space between the conduit and the service line must be sealed to prevent gas leakage into the building, unit, accessory building or structure, or building component, and, if the conduit is sealed at both ends, a vent line from the annular space must extend to a point where gas would not be a hazard, and extend above grade, terminating in a rain and insect resistant fitting.

(e) A carport or awning roof may extend over an individual lot gas piping lateral and outlet riser, provided the completed installation complies with all other requirements of this chapter and the covered area is ventilated to prevent the accumulation of gas.

(f) The use of gas piping in parks constructed prior to June 25, 1976, that was originally installed under the area to be occupied by the unit or accessory building or structure, may be continued provided the piping is maintained in a safe operating condition.

AUTHORITY:
Note: Authority cited: Sections 18865, 18865.05 and 18872, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
3. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2218. Park Gas System Shutoff Valve

A readily accessible and identified shutoff valve controlling the flow of gas to the entire park–owned gas piping system shall be installed at the point of connection to the service piping or supply connection.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2220. Lot Gas Shutoff Valve

(a) Each lot shall have a gas shutoff valve, listed for its intended use by a department–approved listing agency, installed in a readily accessible location upstream of the lot gas outlet.

(b) The valve shall be located on the lot gas riser outlet at a height of not less than six (6) inches above grade.

(c) The lot gas shutoff valve shall not be located under or within any unit, or accessory building or structure.

EXCEPTION: gas shut–off valves may be located under an awning or carport that is not enclosed complying with Article 9 of this chapter.

(d) Whenever the lot gas riser outlet is not in use, it shall be closed with an approved cap or plug to prevent accidental discharge of gas.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2222. Lot Gas Outlet

(a) The gas riser outlet shall terminate within four (4) feet of the unit, or proposed location of the unit on the lot.

(b) Each unit connected to the gas riser outlet shall be connected by a listed flexible gas connector in accordance with section 2354 of this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2226. Gas Meters

(a) When gas meters are installed, they shall not depend on the gas riser outlet for support. Gas meters shall be adequately supported by a post and bracket or by other means approved by the enforcement agency.

(b) Meters shall not be installed beneath units, in unventilated or inaccessible locations, or closer than three (3) feet from sources of ignition. The unit electrical service equipment shall not be considered a source of ignition when not enclosed in the same compartment with a gas meter.

(c) All gas meter installations shall be provided with a shutoff valve or cock located adjacent to and on the inlet side of the meter. In the case of a single meter installation utilizing an LPG tank, the tank service valve may be used in lieu of the shutoff valve or cock.

(d) Each meter installed shall be in a readily accessible location and shall be provided with unions or other fittings so as to be easily removed and replaced while maintaining an upright position.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.4, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (c) and repealer of subsection (e) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

§ 2228. Mechanical Protection

Where subject to physical damage from vehicular traffic or other causes, all gas riser outlets, regulators, meters, valves, tanks, or other exposed equipment shall be protected by posts, fencing, or other barriers approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.

HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2229. Regulator and Relief Vents

Atmospherically controlled regulators shall be installed in such a manner that moisture cannot enter the regulator vent and accumulate above the diaphragm. Where the regulator vent may be obstructed because of snow or icing conditions, a shield, hood, or other device approved by the enforcement agency shall be provided to guard against closing the vent opening.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2230. Required Gas Supply

(a) The minimum hourly volume of gas required at each lot outlet, or any section of a park gas piping system shall be calculated as shown in Table 2230–1.

(b) Required gas supply for other fuel gas consuming appliances connected to the park gas piping system shall be calculated as provided in the California Plumbing Code, Chapter 12.

Table 2230–1
Demand Factors for Use in Calculating Gas
Piping Systems in Parks

Number of Lots	BTU Per Hours Per Lot
1	125,000
2	117,000
3	104,000
4	96,000
5	92,000
6	87,000
7	83,000
8	81,000
9	79,000
10	77,000
11–20	66,000
21–30	62,000
31–40	58,000
41–60	55,000
Over 60	50,000

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2232. Gas Pipe Size

The size of each section of a gas piping system shall be calculated as provided in the California Plumbing Code, Chapter 12 or by other standard engineering methods acceptable to the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2236. Authority to Order Disconnect of Fuel Gas Equipment

(a) The enforcement agency shall require the gas utility or person supplying gas to a park to disconnect any gas piping or equipment found to be defective and in such condition as to endanger life or property.

(b) Gas piping or equipment which has been ordered disconnected by the enforcement agency shall not be reconnected to a gas supply until a permit has been obtained to repair, alter or reconstruct the gas piping and the work has been inspected and approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 5. Plumbing Requirements

§ 2240. Application and Scope

(a) The requirements of this article shall apply to the construction, installation, arrangement, alteration, use, maintenance, and repair of all plumbing equipment and installations to supply water to, and dispose of sewage from, units, accessory buildings or structures and permanent buildings in all parts of the state.

(b) Existing plumbing construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Sections 18865, 18871.4, 18872 and 18873.1, Health and Safety Code. Reference: Section 18871.4, 18872 and 18873.1, Health and Safety Code.
HISTORY:
1. New article 5 (sections 2240–2284) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2246. Basic Plumbing Regulations

(a) Except as otherwise permitted or required by this article, all requirements for plumbing equipment and installations outside of permanent buildings in parks shall comply with the California Plumbing Code, with the exception of Chapter 1.

If there is any conflict between the provisions of this chapter and the California Plumbing Code, the provisions of this chapter shall prevail.

(b) All requirements for plumbing equipment and installations within permanent buildings in parks shall comply with the California Plumbing Code, except in a city, county, or city and county, which has assumed enforcement responsibility and has adopted, and is enforcing, a plumbing code equal to or greater than the requirements of this article.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.1, Health and Safety Code. Reference: Sections 18865 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2248. Sewage Disposal

(a) All park drainage systems shall discharge into a public sewer or a private sewage disposal system approved by the local health department.

(b) Septic tanks shall not be located within five (5) feet of any unit, accessory building or structure, or permanent building. Leach or disposal fields shall not be located within eight (8) feet of any unit, accessory building or structure, or permanent building.

(c) Recreational vehicle drain outlets shall discharge into the park drainage system, or a closed, vented container approved by the local health department.

(d) Recreational vehicles occupying lots without drain inlets, or approved containers, shall have the drain outlets of the vehicles capped with a gas–tight cover.

(e) Any alternative means of sewage removal and disposal in a park shall be approved by the local health department.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.4 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2252. Installation

Listed nonmetallic pipe and fittings installed in park drainage systems shall be installed in accordance with their listing and applicable standards. When installed under roadways, minimum depth of cover for nonmetallic drain pipe shall be thirty–six (36) inches. The pipe shall be bedded on a minimum of three (3) inches of clean sand and shall be backfilled with a minimum cover depth of six (6) inches of clean sand, granulated earth or similar material. The trench shall then be backfilled in thin layers to a minimum of twelve (12) inches above the top of the nonmetallic pipe with clean earth, which shall not contain stones, boulders or other materials, which would damage or break the pipe.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.1, Health and Safety Code. Reference: Sections 18872 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2254. Drain Inlet

(a) On lots provided with a drain inlet for a unit, the drain inlet shall be not less than three (3) inches in diameter and shall be connected to an approved sewage disposal system.

(b) When drain inlets are provided, they shall accommodate a threaded or clamp–type fitting for connecting drain connectors at proper grade. The drain inlet shall be accessible at ground level. The vertical riser of a drain inlet shall not exceed three (3) inches in height above the concrete supporting slab. Drain inlets shall be gas–tight when not in use.

(c) Each drain inlet shall be protected from movement by being encased in a concrete slab not less than three and one–half (31/2) inches thick and which surrounds the inlet by not less than six (6) inches on any side.

(d) In parks constructed after July 7, 2004, that contain lot drain inlets, the opening of the drain inlet shall not extend above the surrounding concrete. The surface of the concrete surrounding the drain inlet shall be smooth finished concrete and shall slope a minimum of one–quarter (1/4) inch per foot from the outer edge to the inner edge of the drain inlet.

(e) Drain inlets and extensions to grade shall be of material approved for under or underground use.

(f) The lot drain inlet shall be located within four (4) feet of the outside of the unit.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.1, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (e) filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2258. Trap

(a) A lot drain inlet shall be provided with a trap except where:

(1) a recreational vehicle manufactured prior to January 1, 1999, is bearing an insignia of approval issued by the department, or

(2) a recreational vehicle manufactured on or after January 1,1999, bearing a label or insignia indicating that the recreational vehicles manufacturer's construction and designs comply with either the American National Standards Institute (ANSI) Standard on recreational vehicles, A119.2, or the ANSI Standard on recreational vehicle park trailers, A119.5, is connected to the lot drain inlet.

(b) The park operator shall obtain the necessary permits from the enforcement agency and shall install the required trap and vent on the lot drain inlet for all lots designed for accommodating vehicles not bearing a department insignia of approval or evidence of compliance with applicable ANSI standards.

(c) When a unit is installed, or proposed to be installed and its plumbing fixtures are not protected by approved traps and vents, a lot drain inlet shall be provided with an approved trap.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2260. Venting

Where a drain inlet trap is provided, it shall be individually vented with a vent pipe of not less than two (2) inches interior diameter unless the system is a wet vented system as provided in section 2264 of this article.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2262. Vent Location and Support

All vent pipes in outdoor locations shall be located at least ten (10) feet from an adjoining property line and shall extend at least ten (10) feet above ground level. All vent pipes shall be supported by at least the equivalent of a four (4) inch by four (4) inch nominal dimension redwood post securely anchored in the ground. One–piece galvanized iron vent pipes may be self–supporting if securely anchored at their base in concrete at least, twelve (12) inches in depth and extending a minimum four (4) inches out from the pipe.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2264. Wet Vented Systems

(a) In lieu of the individual vents, the park drainage system may be wet vented by means of a combination drain, waste, and vent system. Wet vented systems in which the trap for one or more lots is not individually vented shall be of sufficient size and provided with an adequate vent or vents to assure free circulation of air. Wet vented drainage systems may be permitted only when each such system conforms to Table 2268–1 and Table 2268–2 and all of the following requirements for such systems:

(1) A wet vented drainage system shall have a terminal vent installed not more than fifteen (15) feet downstream from the uppermost trap on any branch line and shall be relief vented at intervals of not more than one hundred (100) feet or portion thereof.

(2) Wet vented drainage laterals shall be not more than six (6) feet in length for three (3) inch diameter pipe and not more than fifteen (15) feet in length for four (4) inch diameter pipe.

(3) No vertical drain pipe shall be permitted in any wet vented drainage system, except the tail pipe of the trap or riser of the drain inlet. Tail pipes shall be as short as possible, and in no case shall exceed two (2) feet in length.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2266. Systems Without Traps

Terminal or relief vents are not required for drainage systems without traps.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2268. Pipe Size

(a) Each lot drain inlet shall be assigned a waste loading value of six (6) fixture units and each park drainage system shall be sized according to Table 2268–1 or as provided herein. Drainage laterals shall be not less than three (3) inches in diameter.

(b) A park drainage system in which the grade, slope, or sizing of drainage pipe does not meet the minimums specified in Tables 2268–1 or 2268–2 shall be designed by a registered engineer for a minimum velocity flow of two (2) feet per second.

(c) Park drainage systems installed without P–traps or vents may be sized for individually vented systems in accordance with Table 2268–1 for individually vented systems.

(d) A park drainage system which exceeds the fixture unit loading of Table 2268–1 shall be designed by a registered engineer.

Table 2268–1
Drainage Pipe Diameter and Number of
Fixture Units on Drainage System

Size of Drainage Pipe (Inches)	Maximum No. of Fixture Units Individually Vented System	Maximum No. of Fixture Units Wet Vented System	Terminal & Relief Vent Wet Vented System (Inches)
3	35	14	2
4	180	35	3
5	356	180	4
6	600	356	4

Table 2268–2
Minimum Grade and Slope of Drainage Pipe

Pipe Size (inches)	Slope per 100 ft. (inches)	Pipe Size (inches)	Slope per 100 ft. (inches)
2	25	6	8
3	20	8	4
4	15	10	3 1/2
5	11	12	3

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2269. Recreational Vehicle Sanitation Stations

(a) Recreational vehicle sanitation stations shall be provided in an accessible location.

(b) One recreational vehicle sanitation station shall be provided for each one hundred (100) lots or portion thereof not provided with three (3) inch drain inlets.

(c) Recreational vehicle sanitation stations are not required in tent camps, incidental camping areas, or dry camps, but if provided, they shall comply with the requirements of this Article.

AUTHORITY:
Note: Authority cited: Section 18865.1, Health and Safety Code. Reference: Sections 18865.1, 18871.3, 18871.4 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2270. Sanitation Station Specifications

(a) Each recreational vehicle sanitation station shall be provided with a drain inlet not less than four (4) inches in diameter, discharging into a trap not more than twenty–four (24) inches below the drain inlet. The drain inlet shall be equipped with a hinged cover, which shall effectively close the drain inlet when not in use.

(b) Each drain inlet shall discharge into a drainage lateral not less than four (4) inches in diameter connected to a public sewer or private sewage disposal system.

(c) The drain inlet of each recreational vehicle sanitation station shall be set in a concrete drain receptor not less than three and one–half (3 1/2) inches in thickness and not less than two (2) feet horizontally from the drain inlet to the inside of the surrounding curb. The surrounding curb shall be at least four (4) inches wide and two (2) inches above the floor of the receptor. The inside surface of the drain receptor shall be smooth finished concrete and shall slope a minimum of one–fourth (1/4) inch per foot from the bottom of the curb to the lip of the drain inlet.

(d) A three–quarter (3/4) inch water hose connection shall be installed at each recreational vehicle sanitation station to allow connection of a hose for wash–down operation. A listed and approved backflow preventing vacuum breaker shall be permanently installed in the water service pipe at least six (6) inches above the highest point of usage. Provisions shall be made to store the wash–down hose off the ground.

(e) A sign providing operating instructions shall be posted at all recreational vehicle sanitation stations.

AUTHORITY:
Note: Authority cited: Section 18865.1, Health and Safety Code. Reference: Sections 18865.1, 18871.3, 18871.4 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2272. Sanitation Station Warning Sign

(a) A warning sign shall be located immediately adjacent to the hose connection of the recreational vehicle sanitation station and shall read:

DANGER, UNSAFE WATER

Use this hose to flush holding tank and drain receptor ONLY.

(b) The warning sign shall be not less than eighteen (18) inches by twenty–four (24) inches and lettered in minimum size of not less than one (1) inch lettering in a color contrasting with the background.

AUTHORITY:
Note: Authority cited: Section 18865.1, Health and Safety Code. Reference: Sections 18865.1, 18871.3, 18871.4 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2274. Lot Water Service Outlet

(a) Each lot provided with a lot drain inlet shall be provided with a lot water service outlet delivering safe, pure, and potable water. The lot water service outlet riser shall be not less than three–quarter (3/4) inch nominal pipe size. Lots may be provided with a lot water service outlet where no lot drain inlet has been installed.

(b) Each lot water service outlet shall be provided with an accessible water outlet designed for connecting a three–fourths (3/4) inch female swivel hose connection for emergency use, in addition to the unit water connection.

(c) Where lot water service outlets are not provided, water pipe risers shall be installed throughout the special park occupancy area for the supply of potable water and fire suppression. Gravel, crushed rock, or other approved material shall be provided at the base of each water pipe riser as necessary to prevent the accumulation of standing water or muddy conditions. Water pipe risers shall be installed within one hundred (100) feet of all lots not provided with lot water service outlets.

(d) Potable water need not be supplied in an incidental camping area if it is designated as a “dry camp” and occupants are so notified by the operator. If water is supplied, it shall be safe, pure, and potable and adequate for all the requirements of the incidental camping area.

AUTHORITY:
Note: Authority cited: Section 18865.1, Health and Safety Code. Reference: Sections 18870.1 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2276. Pressure

(a) Parks constructed between July 11, 1979, and July 6, 2004, shall have water distribution systems capable of providing a pressure not less than fifteen (15) pounds per square inch at each lot at maximum operating conditions. Parks constructed before and after the above dates must be capable of maintaining twenty (20) pounds per square inch at maximum operating conditions.

(b) The testing of a water system in a park to determine the maximum operating condition shall be either performed at the reported time of maximum water pressure loss, if within normal business hours, or measured with twenty–five (25) percent of the required lot water supply outlets, as defined in section 2308 of this chapter, open with the pressure metering device at the end of the tested line.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.1, Health and Safety Code. Reference: Sections 18865 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
2. Editorial correction of 1 (Register 2005, No. 33).

§ 2278. Water Pipe Size

(a) The quantity of water required to be supplied to each lot provided with a drain inlet shall be as required for six (6) fixture units.

(b) Park water distribution systems shall be designed and installed as set forth in the California Plumbing Code, Chapter 6, and Appendix A.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.1, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2280. Mechanical Protection

Where subject to physical damage, all park water service outlets shall be protected by posts, fencing, or other barriers approved by the enforcement agency.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2284. Water Conditioning Equipment

(a) A permit shall be obtained from the enforcement agency prior to installing any regenerating water conditioning equipment on a lot. Approval of the park operator is required on all applications for a permit to install such equipment. Where the water conditioning equipment is of the regenerating type, and the park drainage system discharges into a public sewer, approval of the sanitary district or agency having jurisdiction over the public sewer is required prior to issuance of the permit.

(b) Regenerating water conditioning equipment shall be listed and labeled by an approved listing agency.

(c) Regenerating units shall discharge the effluent of regeneration into a trap not less than one and one–half (11/2) inches in diameter connected to the park drainage system. An approved air gap shall be installed on the discharge line a minimum of twelve (12) inches above the ground. The trap need not be vented.

(d) Electrical supply connections to regenerating water conditioning equipment shall comply with the requirements of this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18873.1 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 6. Fire Protection Standards for Parks

§ 2300. Application and Scope

(a) For parks with a permit to construct dated on or after July 7, 2004, fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24, 1995 Edition, which is hereby incorporated by reference, shall be installed and maintained in every park consisting of fifteen (15) or more lots, or parks enlarged to consist of fifteen (15) or more lots. Installation of fire protection equipment is required only for the new lots added.

(b) For parks with a permit to construct dated between September 1, 1968, and July 7, 2004, Fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24,1977 Edition, which is hereby incorporated by reference, shall be maintained in every park consisting of 15 or more lots.

(c) Testing of Private Fire Hydrants. Park owners and operators shall be responsible for the operation and water flow requirements of all private fire hydrants installed in any park, regardless of its age or number of lots in the park, and responsible for compliance with other applicable provisions of this article.

(d) Reciprocity of Enforcement Agencies. The provisions of section 2302 and sections 2316 through 2318 of this article, do not create any obligation for the enforcement agency to report violations to a fire agency, or for the fire agency to report violations to the enforcement agency. However, this subsection does not preclude either enforcement agencies or fire agencies from sharing information related to fire prevention or suppression in parks.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New article 6 (sections 2300–2319) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2302. Local Fire Prevention Code Enforcement

(a) When the department is the enforcement agency, a fire agency, as defined in this chapter, may elect to assume responsibility to enforce its fire prevention code in parks, within its jurisdictional boundaries, by providing the department with a written thirty (30)–day notice pursuant to Health and Safety Code section 18873.5 (d).

(b) The written notice assuming enforcement responsibilities for fire prevention shall clearly identify the geographical boundaries of the jurisdiction of the fire agency and include the name and address of each park located within these geographical boundaries.

(c) The fire agency that has assumed responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries pursuant to this article, shall do all of the following:

(1) Enforce its fire prevention code as it applies to each of the following areas: fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, debris abatement, combustible storage abatement and burglar bars.

(2) Apply its fire prevention code provisions only to conditions:

(A) that arise after the adoption of its fire prevention code;

(B) not legally in existence at the adoption of its fire prevention code; or

(C) that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

(3) Upon assuming responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries, the fire agency shall notify all park operators within thirty (30) days of the assumption of enforcement responsibility.

(A) This notification shall include identification of the specific applicable codes that will be enforced, where copies of the identified codes may be obtained, and the scope and proposed time frame of any established or proposed inspection program.

(B) The park operator shall post a copy of the notification in the park as near as possible to the location where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.

(d) A fire agency that has assumed responsibility for enforcement of its fire prevention code, pursuant to this article and Section 18873.5 of the Health and Safety Code, shall also be deemed to have assumed fire prevention enforcement responsibility within its jurisdictional boundaries, for all mobilehome parks, as set forth in Title 25, California Code of Regulations, commencing with Section 1300 and Section 18691 of the Health and Safety Code,

(e) If a fire agency, that has assumed responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries, decides to cancel its responsibility, it shall provide the following:

(1) A written notice to the department not less than thirty (30) days prior to the proposed cancellation date.

(2) A written cancellation notice clearly identifying the geographical boundaries of the jurisdiction, for which the fire agency is returning enforcement, and includes the name and address of each park located within these geographical boundaries.

(3) A written notification to all park operators within its jurisdictional boundaries of the cancellation of enforcement responsibility prior to the date of cancellation of enforcement responsibility. The notice shall contain the date of transfer for enforcement responsibility and a statement to the park operator to post the notice.

(A) The park operator shall post a copy of the notification in the park as near as possible to the location where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.

(4) Transfer all park records to the department on or before the effective date of the transfer of enforcement responsibility.

(f) A fire agency canceling its responsibility for enforcement of its fire prevention code, according to this article and Section 18873.5 of the Health and Safety Code, shall also be deemed to have canceled its fire prevention enforcement responsibility, within its jurisdictional boundaries, for all mobilehome parks, as set forth in Title 25, California Code of Regulations, commencing with Section 1300 and Section 18691 of the Health and Safety Code.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Sections 18865 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2304. Local Regulations

(a) The provisions of this article are not applicable in parks located within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by this article.

(b) Any reporting requirements imposed by the local agency fire prevention code shall be in addition to, and shall not replace, the reporting requirements of this article.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Sections 18865 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2305. Fire Fighting Instructions

In areas where fire department services are not available the park operator shall be responsible for the instruction of park staff in the use of private park fire protection equipment and their specific duties in the event of fire.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2306. Permits Required

No person shall construct, reconstruct, modify, or alter any installations relating to fire protection equipment within a park unless a written permit has been obtained from the enforcement agency with written evidence of approval from the fire agency responsible for fire suppression in the park.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18870, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2308. Lot Installations

When water service is provided to a lot, each lot constructed shall have installed an accessible three–fourths (3/4)–inch valved water outlet with an approved vacuum breaker installed, designed for connecting a three–fourths (3/4)–inch female swivel hose connection for fire suppression use in addition to the water connection to the unit.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2310. Alternate Systems

Where the required water supply is inadequate to comply with the provisions of this article and either outside protection, or local conditions justify reducing this requirement, other hydrant systems may be installed provided the alternate system is approved by the fire agency responsible for fire suppression in the park and by the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2312. Private Systems

(a) In areas where fire department services are not available, as determined by the enforcement agency, a private fire protection system shall be installed and maintained consisting of hydrant or wet standpipe risers connected to the park water main or a separate system capable of delivering seventy–five (75) gallons per minute at thirty (30) psi with at least two lines open, in addition to the normal requirements of the park, and with the hydrants or wet standpipes located within seventy–five (75) feet of each lot. Each hydrant or wet standpipe shall be provided with an approved one and one–half (11/2) inch hose valve and connection with one (1) one and one–half (1 1/2) inch national standard male outlet and shall have connected thereto a minimum of seventy–five (75) feet of one and one–half (11/2) inch cotton or dacron jacketed rubber lined fire hose with an approved cone type nozzle with a minimum one–half (1/2) inch orifice. The fire hose shall be mounted on an approved hose rack or reel enclosed in a weather resistant cabinet which shall be painted red and marked “FIRE HOSE” in four (4) inch letters of contrasting color.

(b) In parks constructed prior to September 1, 1968 that have hydrants installed, the hydrants shall be provided with not less than thirty-five (35) pounds water pressure. These hydrants must meet the hose requirements contained in subsection (a) of this section, but are not required to meet the water flow requirements contained in subsection 2316(c) of this Article. In the event this water pressure is not available, seventy-five (75) feet of three-quarter (3/4) inch hose with attached cast brass adjustable spray stream, shut-off nozzle, in a weather-protected cabinet which must deliver

four and one-half (4.5) gallons of water per minute at any given point within the park, may be substituted for one and one-half (1 1/2) inch diameter hose as specified herein.

AUTHORITY:
Note: Authority cited: Sections 18865, 18872, and 18873.5, Health and Safety Code. Reference: Sections 18872 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).

§ 2314. Care of Equipment

All fire protection and suppression equipment shall be protected against freezing in any areas subject to freezing.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2316. Private Fire Hydrant Operation and Water Flow Requirements

(a) Private fire hydrants, as defined in this article, shall meet the operational requirements as prescribed in subsection (b) of this section, and meet the water flow standards prescribed by subsection (c) of this section.

(b) Operation. Private fire hydrants shall have at least the following characteristics in order to be considered operational for the purposes of this article:

(1) valves that operate freely and are properly lubricated;

(2) threads and caps that are undamaged;

(3) reasonable protection from vehicular damage;

(4) outlets on hydrants are fourteen (14) inches to twenty–four (24) inches above grade. Standpipes outlets need not be a specific height, but must be readily accessible.

(5) Thirty–six (36) inches of unobstructed access around the hydrants;

(6) locators or markings to clearly identify their location; and

(7) each one and one–half (1 1/2) inch hydrant meets the requirements for hoses, locations, storage and storage cabinet marking as defined in section 2312 of this article.

(c) Water Flow. Private fire hydrants, as defined in this article, shall have water flow not less than any one of the following:

(1) Five hundred (500) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire hydrant with a four (4) inch or larger barrel or riser, or

(2) Two hundred–fifty (250) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire hydrant with a two and one–half (21/2) inch barrel or riser, or

(3) Seventy–five (75) gallons per minute with a minimum residual pressure of thirty (30) psi for a fire hydrant with a one and one–half (11/2) inch outlet with an approved one and one–half (11/2) inch hose as required in section 2312.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2317. Private Fire Hydrant Test and Certification

(a) Verification of Private Fire Hydrant Test and Certification. The Private Fire Hydrant Test and Certification Report, a form defined in section 2002 of this chapter, shall be used to verify that private fire hydrants have been tested and certified for operation and water flow. All park operators shall submit the form, including parks that qualify for testing exceptions, to the enforcement agency for the park.

(b) Annual Test and Certification of Operation. Private fire hydrants shall be tested annually in order to determine that they are operational as specified in subsection 2316(b) of this article. Verification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park, as required in section 2319 of this article. The annual hydrant operational test may be performed and verified by a park operator for the years between the five-year water flow tests. However, the five-year test and certification of water flow and the operational test performed at that time shall not be certified by the park operator. The five-year test and certification of water flow and the operational test shall only be certified by one of the entities listed in subsection (c) of this section.

(c) Five-Year Test and Certification of Water Flow and Operational Test.

(1) Private fire hydrants shall be tested and certified at least once every five (5) years for minimum water flow as prescribed in section 2316 of this article, as well as for operation as specified in subsection 1316(b) of this article. Certification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park as required in section 2319 of this article.

(2) Parks existing prior to December 31, 2002, shall submit verification of their five-year test and certification for minimum water flow, beginning with the permit to operate renewal year 2008, after the initial water flow test has been completed.

(3) The five-year test and certification of the required water flow and the operational test shall be conducted during the 12 months prior to the renewal of each fifth year park permit to operate. The previous five-year renewal for the prior permit to operate must have complied with the required water flow standards set forth in section 2316 of this article.

(4) Testing for the required water flow shall be conducted in such a manner as to ensure there is no pollution of the storm drain system or any other water or drainage systems within, or serving, the park, and no damage to structures or improvements within or outside of the park.

(5) The test results reported on the designated form shall only be certified by one of the following:

(A) the fire agency responsible for fire suppression in the park,

(B) a local water district,

(C) a licensed C-16 Fire Protection Contractor, or

(D) a licensed Fire Protection Engineer.

(6) In order to certify the test results reported on the form, the fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer shall witness the test. The fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer, may also perform the test.

AUTHORITY:
Note: Authority cited: Sections 18865, 18865.05, 18872 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
3. Amendment of subsections (c)(5)(B) and (c)(6) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2318. Private Fire Hydrants With Violations

(a) Correction of Violation. If, at any time, a test undertaken pursuant to this article, or any other test or event, indicates that a private fire hydrant is in violation of any provision of section 2316, within sixty (60) days of the date of the event or the test of the private fire hydrant, the park operator shall obtain a permit to construct from the park enforcement agency, and shall promptly begin and maintain activity to ensure the private fire hydrant meets the minimum requirements of this article. This timeframe may be extended for extenuating circumstances subject to approval by the enforcement agency.

(b) Approval to Use Existing Private Fire Hydrant. Where the water flow test of a private fire hydrant reveals a water flow less than that specified in subsection 2316(c) of this article, and it is determined that the private fire hydrant cannot be repaired to meet the water flow requirement, the park operator may request approval from the fire agency responsible for fire suppression in that park to continue using the existing private fire hydrant. Approval to use the existing private fire hydrant may be granted by an authorized agent for the fire agency responsible for fire suppression in the park, by signing Part VI on the form prescribed in subsection 2317(a).

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2319. Private Fire Hydrant Compliance For Park Operation

(a) Permits to operate shall not be issued for parks with private fire hydrants that do not meet the requirements of this article.

(b) When applying for or renewing a permit to operate, the park operator shall submit the original form prescribed in subsection 2317(a) to the enforcement agency, as defined in this article, and a copy forwarded to the fire agency responsible for fire suppression in the park.

(c) Provided a park meets all other requirements for obtaining or renewing a permit to operate, a permit to operate may be issued to a park where the form prescribed in subsection 2317(a), has been submitted to the enforcement agency and one of the following options exists:

(1) the form shows no violations;

(2) the water flow test reveals a water flow less than that specified in subsection 2316(c) of this article, and the park operator has obtained an approval for the continued use of the existing private fire hydrant from the fire agency responsible for fire suppression in that park, pursuant to subsection 2318(b);

(3) a construction permit has been obtained and activity maintained to ensure the private fire hydrant meets the minimum requirements of this article;

(4) all violations of section 2316 are corrected, and a revised or final form as prescribed in section 2317(a), verifying the correction, has been submitted to the enforcement agency; or

(5) the system meets or exceeds the requirements approved at the time of its construction.

(d) Refusal to issue a permit to operate pursuant to this subsection shall not preclude a park enforcement agency from pursuing other enforcement remedies as provided by law, or the fire agency from pursuing enforcement remedies provided by applicable laws or ordinances.

(e) The enforcement agency shall maintain, for a minimum of six (6) years, all copies of the form prescribed in subsection 2317(a), which shall be available for review by the department.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (c)(2)–(4) and new subsection (c)(5) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).

Article 7. Installations and Facilities

§ 2320. Application and Scope

(a) When an MH-Unit or commercial modular is installed in a special occupancy park pursuant to section 2118(b), the installation shall comply with Chapter 2 of this Division.

(b) Existing construction, connections, and installations of units, made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Sections 18865, Health and Safety Code. Reference: Section 18613, Health and Safety Code.
HISTORY:
1. New article 7 (sections 2320–2360) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2322. Removal of Vehicle Towing Hitch and Wheels

A recreational vehicle towing hitch shall not be removed from the vehicle unless it is designed to be removed and reinstalled. When the hitch has been removed from a unit, it shall be readily available for reinstallation. The wheels, vehicle axles, and their assemblies shall not be removed.

AUTHORITY:
Note: Authority cited: Section 18865.1, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2324. Installation Permits

(a) A permit shall be obtained from the enforcement agency each time a camping cabin is to be located or installed on any site in a park.

(b) A permit shall not be required for locating or installing a recreational vehicle on a lot.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18870, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2327. Camping Cabins

(a) Camping cabin design, construction and installation shall comply with the requirements specified in sections 18862.5 and 18871.11 of the Health and Safety Code.

(b) Camping cabins shall meet the roof live load requirements for accessory structures in accordance with section 2433 of this chapter.

(c) All sleeping rooms shall have smoke alarms installed in accordance with Section 907.2.11 of the California Building Code. Alarms may be battery powered only when electrical service is not supplied to the cabin.

(d) Camping cabins shall not exceed four hundred (400) square feet as measured by the camping cabin's footprint, to include built-in porches or stairways contained within the original cabin footprint.

(e) When a camping cabin is required to meet accessibility requirements, it shall comply with the requirements specified in Chapter 11B of the California Building Code.

(f) A camping cabin shall be readily relocatable.

(g) Accessory structures for camping cabins shall comply with provisions of section 2422 of this chapter.

(h) Fuel burning heating or cooking appliances shall not be operated in a camping cabin.

(i) No plumbing of any kind shall be installed in a camping cabin.

(j) Camping cabins installed in a State Responsibility Area Fire Hazard Severity Zone or a local Very-High Fire Hazard Severity Zone as indicated on the California Department of Forestry and Fire Protection's Fire Hazard Severity Zone Maps shall comply with the materials, systems, and methods of construction as defined in the California Building Code, Title 24, Part 2, Chapter 7A.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18862.5, 18871.11 and 18873.5, Health and Safety Code.

HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (c) and new subsection (j) filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Amendment of subsections (c) and (e) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2328. Utility Facilities

(a) When utilities are supplied to a lot or site in a park, all connections to those utilities shall comply with the requirements of this chapter.

(b) When utilities are shared between two adjacent lots, the units on those lots must maintain the minimum setback and separation distances described in section 2330 of this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18872, 18873.1, 18873.3 and 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. New subsection (a) designator and new subsection (b) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2330. Unit Separation and Setback Requirements Within Parks

(a) In parks, or portions of parks, units shall not be located closer than six (6) feet from any permanent building or another unit.

(b) A unit shall be located a minimum of three (3) feet from all lot lines. However, a three (3) foot setback is not required from a lot line bordering a roadway when the roadway is located within the park.

(c) When a unit has projections, including eave overhangs, a minimum six (6) foot separation shall be maintained between the edge of any projection or eave overhang and an adjacent, unit, permanent building, combustible accessory building or structure and its projection, or eave overhang. A minimum of three (3) feet shall be maintained from the unit's projection or eave overhang and the adjacent lot line or property line. However, a unit may be installed up to a park roadway or common area provided there is no combustible building or structure in the common area within six (6) feet, and no building or structure of any kind within three (3) feet, of any portion of the unit. The maximum seventy-five percent (75%) lot coverage allowed by section 2110 of this chapter shall be maintained. Projections or eave overhangs shall not extend beyond a lot line bordering a roadway or common area.

(d) Lot lines shall be identified as prescribed by section 2104.

(e) Setback and separation requirements for accessory structures or buildings or building components installed prior to the effective date of this chapter, are contained in section 2428 of article 9.

AUTHORITY:
Note: Authority cited: Sections 18865, 18865.05, 18872 and 188723, Health and Safety Code. Reference: Sections 18865, 18872, 18873 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (c) and Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2333. Foundations

A recreational vehicle or camping cabin shall not be permanently affixed to a lot or installed on a foundation system.

AUTHORITY:
Note: Authority cited: Section 18865.1, Health and Safety Code. Reference: Sections 18871 and 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2334. Accessory Structure Support Piers and Footings.

(a) Load bearing piers shall be constructed of rust resistant materials or treated to resist rust. The required load bearing capacity of individual support piers and their footings shall be calculated at not less than a combined live and dead load of seventy–five (75) psf, based on roof live and dead load of twenty–five (25) psf and floor live and dead load of fifty (50) psf of the accessory structure.

(b) Load bearing piers, other than concrete block piers, shall be tested to determine the safe operating load. The tests shall be conducted by testing agencies approved by the department. Testing agencies shall provide a pier testing report to the department upon completion, regardless of the testing results. A unique number provided by the testing agency shall identify each test report. The following testing procedures shall be used:

(1) A compression test shall be performed on three (3) piers of the same height and construction, selected randomly at the pier manufacturing facility by a representative of the testing agency.

(A) The compression test shall be performed on piers with all required design assemblies installed, such as adjustable tops, clamps, securement devices or similar assemblies.

(B) The selected piers shall be subjected to the compression test with each pier, fully assembled as will be installed, placed squarely on a firm base, and tested to its failure point. The compression test shall be measured in psf. Support

pier failure will be established when the support bends, cracks, buckles or deflects to an unsafe level as determined by the approved testing agency.

(C) The safe operating load of a support pier is one–third (1/3) the average of the three (3) failure tests.

(2) When piers differ in height or construction, design tests and evaluations must be performed on each type of pier.

(c) Tested load bearing piers, other than concrete block piers, shall be listed and labeled as follows:

(1) Listing of piers shall be conducted by listing agencies approved by the department.

(A) The listing agency shall conduct manufacturer facility audits and prepare finding reports not less than once per year. The audit report will include, at a minimum:

(i) the review of pier construction for compliance with manufactured designs as approved by the testing agency,

(ii) the materials used in its construction including type, size, and weight,

(iii) the manufacturer's quality control program, if applicable, and

(iv) the label application and label control process.

(B) The listing agency shall provide an annual report of its approval and audit findings.

(2) Pier supports shall display a legible permanent label of approval, visible when the pier support is installed. The label shall contain the following information:

(A) Manufacturer's name,

(B) Listing agency name,

(C) Listing number issued by the listing agency,

(D) Testing agency's approved operating load, and

(E) Testing agency's test report number.

(d) Individual load bearing footings may be placed on the surface of the ground, and shall be placed level on cleared, firm, undisturbed soil or compacted fill. Where unusual soil conditions exist, as determined by the enforcement agency, footings shall be designed to compensate for such conditions. The allowable loading on the soil shall not exceed one–thousand five–hundred (1,500) psf unless data to substantiate the use of higher values is approved by the enforcement agency.

(e) Footings shall be adequate in size to withstand the tributary live and dead loads of the accessory structure and any concentrated loads. The length to width ratio of the footing shall not exceed two and one–half (2 1/2) to one (1).

Individual footings for load bearing supports or devices shall consist of one of the following:

(1) Pressure treated lumber which meets the following requirements:

(A) Not less than two (2) inch nominal thickness with a minimum of twenty–five (25) percent of the individual footings identified by an approved listing agency, as being pressure treated for ground contact.

(B) Knots. Well spaced knots of any quality are permitted in sizes not to exceed the following or equivalent displacement:

Nom. Width	*Any Location*	*Holes (Any Cause)*	
6”	2 3/8”	1 1/2”	
8”	3”	2”	One Hole or
10”	3 3/4”	2 1/2”	Equivalent
12”	4 1/4”	3”	Per Piece
14”	4 5/8”	3 1/2”	

(C) Splits. In no case exceed one–sixth (1/6) the length of the piece.

(D) Honeycomb or Peck. Limited to small spots or streaks of firm honeycomb or peck equivalent in size to holes listed in (B) above.

(2) Precast or poured in place concrete footings not less than three and one–half (3 1/2) inches in thickness. The concrete shall have a minimum twenty–eight (28) day compressive strength of not less than two–thousand–five–hundred (2500) psi.

(3) Other material, approved by the department, providing equivalent load bearing capacity and resistance to decay.

(f) Individual load bearing piers or devices and footings shall be designed and constructed with sufficient rigidity and bearing area to evenly distribute the loads carried over one–third (1/3) the area of the footings as measured from the center of the footing. When two (2) or more two (2) inch nominal wood pads placed side–by–side on the ground are used as a pier footing, a single wood cross pad must be installed on top of the ground contact pads at a ninety (90) degree angle so as to place the directional wood grains opposing to each other. The cross pad must be of a length to cover each ground contact pad and be of two (2) inch nominal thickness. Footings shall be constructed of sufficient rigidity to evenly distribute the loads carried to the ground without bowing or splitting.

(g) When multiple wood footings are stacked, they shall be secured together with corrosion resistant fasteners at all four (4) corners of the pad which will penetrate at least eighty (80) percent of the base pad to prevent shifting.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18865, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

2. Amendment of subsections (a) and (d) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2337. Support Inspection

At the time of inspection, the installation of the accessory structure on its support system shall be complete and the area under the accessory structure shall be accessible for inspection.

(a) Skirting shall not be installed until all underfloor installations have been approved by the enforcement agency.

(b) Masonry walls shall not be installed until all underfloor installations have been approved by the enforcement agency, unless the installation of the masonry wall is required to provide perimeter support to the accessory structure.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2344. Clearances

(a) A minimum clearance of twelve (12) inches shall be maintained under all horizontal structural members of accessory structures.

(b) The finished floor of a camping cabin shall not exceed eighteen (18) inches in height above the ground.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18865, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2346. Skirting Design and Construction

(a) Where the space beneath an accessory structure is enclosed, there shall be provided a removable access panel opening a minimum of eighteen (18) inches by twenty–four (24) inches unobstructed by pipes, ducts, or other equipment that may impede access. The access panel shall not be fastened by any means requiring the use of a special tool or device to remove the panel.

(b) Cross ventilation shall be provided by openings having a net area of not less than one and one–half (11/2) square feet for each twenty–five (25) linear feet of the accessory structure and including all skirted structures. The openings shall be provided on at least the two (2) opposite sides along the greatest length of the unit and shall be installed as close to all the corners as practicable.

(c) When wood siding or equivalent home siding products are used as skirting material, the installation shall comply with the siding manufacturer installation instructions. Where siding manufacturer installation instructions are not available, the installation shall conform to the provisions of the California Residential Code. All wood products used in skirting construction located closer than six (6) inches to earth shall be treated wood or wood of natural resistance to decay. Where located on concrete slabs placed on earth, wood shall be treated wood or wood of natural resistance to decay.

(d) When skirting is installed on a unit or accessory structure in a floodplain as designated by the local floodplain, management agency, the skirting shall be either:

(1) a flexible material that will not impede the water flow, or

(2) if constructed of rigid materials, have openings totaling one (1) square inch of opening for every one (1) square foot of enclosed area. The bottom of these openings shall not be more than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (b) and (c) and new subsections (d)–(d)(2) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2352. Electrical Feeder Assembly

(a) A recreational vehicle or camping cabin shall be connected to the lot service equipment by one of the following means:

(1) A listed power supply cord approved for mobilehome or recreational vehicle use.

(2) A power supply cord bearing the following markings: Type SO, ST, or STO. The cord shall not be spliced.

(b) The male attachment plug shall conform with provisions of Articles 550 or 551 of the California Electrical Code.

(c) The conductors shall be sized for the electrical load shown on the unit's electrical label.

(d) In the absence of an electrical label on the unit or the unit manufacturer's approved installation instructions, the conductors shall be sized in accordance with the calculated load as determined by the provisions of the California Electrical Code, Articles 1, 2, and 3.

(e) Only one (1) power supply connection to a unit shall be permitted.

(f) Power supply cords shall not be buried or encased in concrete.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2354. Unit Gas Connector

(a) Each unit connected to the lot outlet shall be connected by an approved flexible gas connector, listed for its intended use, not more than six (6) feet in length and of adequate size to supply the unit's gas appliance demand, as evidenced by the label on the unit. In the absence of a label, the unit's demand shall be determined by the California Plumbing Code, Chapter 12.

(b) Only one (1) gas supply connection to a unit shall be permitted.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2356. Unit Water Connector

A unit shall be connected to the lot water service outlet by a flexible connector approved for potable water.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2358. Drain, Unit

(a) Drain connectors and fittings for recreational vehicles shall be listed and approved for drain and waste.

(b) Recreational vehicles located in a park for more than 3 months, or units with plumbing that are not self–contained, shall be connected to the lot drain inlet by means of a drain connector consisting of approved pipe not less than schedule 40, with listed and approved fittings and connectors, and shall not be less in size than the unit drain outlet. A listed and approved flexible connector shall be provided at the lot drain inlet end of the pipe.

(c) A drain connector shall be gas–tight and no longer than necessary to make the connection between the unit's drain outlet and the drain inlet on the lot.

(d) Vehicles occupying lots without drain inlets shall have the drain outlet of the vehicle capped gas–tight, unless discharged into an approved, closed, vented container.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2360. Air–Conditioning Installation

If a unit is not pre–wired for air–conditioning equipment, it shall be energized from the lot service, provided the park electrical system has the capacity to supply the additional air–conditioning load and a permit to construct is obtained for the alteration of the lot electrical service.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871, 18873.3 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 8. Permanent Buildings and Commercial Modulars

§ 2382. Application and Scope

(a) The requirements of this article shall apply to the construction, alteration, repair, use, maintenance, and occupancy of permanent buildings and commercial modulars in parks. The provisions of this article relating to permanent buildings and commercial modulars in parks do not apply to accessory buildings or structures or building components established for use of an occupant of a unit. The department shall administer and enforce all of the provisions of this article relating to permanent buildings and commercial modulars in parks except in a city, county, or city and county, which has assumed responsibility for enforcement of Division 13, Part 2.3 of the Health and Safety Code and this chapter.

(b) Existing construction, connections, and installations of plumbing, electrical, fuel gas, fire protection, within permanent buildings or commercial modulars in parks, made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18865, 18873, 18873.1, 18873.3 and 18873.4, Health and Safety Code.
HISTORY:
1. New article 8 (sections 2382–2399) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2388. Construction of Permanent Buildings

(a) Design and construction requirements for permanent buildings in parks are found in the California Building Code.

(b) The requirements for electrical wiring, fixtures, and equipment installed in permanent buildings in parks are found in the California Electrical Code.

(c) The requirements for fuel gas equipment and installations installed in permanent buildings in parks are found in the California Mechanical Code.

(d) The requirements for plumbing in permanent buildings in parks are found in the California Plumbing Code.

(e) The requirements for fire protection equipment and installations in all permanent buildings are found in the applicable requirements of the California Building Code.

(f) The energy conservation requirements for all permanent buildings which contain conditioned space are found in the energy conservation standards for new non–residential buildings contained in the California Energy Code.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18873, 18873.1, 18873.3, 18873.4 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2399. Commercial Modular Requirements

(a) The applicant for a permit to install a commercial modular in a park in lieu of a permanent building shall submit a request for an alternate approval to the department in accordance with section 2016. The request for alternate approval shall be accompanied by evidence of compliance with section 2032 of this chapter.

(b) A commercial modular installed in a park shall bear an insignia of approval issued by the department in accordance with Health and Safety Code section 18026.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18865.6 and 18873, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 9. Accessory Buildings and Structures

§ 2422. Application and Scope

(a) Except as otherwise noted, the requirements of this article shall apply to the construction, use, maintenance, and occupancy of accessory buildings or structures and building components constructed or installed adjacent to units both within and outside of parks.

(b) Accessory buildings or structures, or building components that are constructed and maintained in accordance with those statutes and regulations which were in effect on the date of original construction, are not subject to the requirements of subsequent regulations. An accessory building or structure or building component that is moved to a different location shall be subject to the permit to construct fee requirements of this chapter. Any alterations or additions must comply with the current provisions of this chapter.

(c) The provisions of this chapter are not intended to prevent the owner of an accessory building or structure, or building component from reinstalling an accessory building or structure or building component when it is relocated. Structural plans and installation instructions, other than details of footings and foundations, are not required for reinstallation of an accessory building or structure, or building component which complied with the requirements of the regulations in effect at the time of original installation, provided the accessory building or structure, or building component:

(1) is structurally sound;

(2) does not present a hazard to the safety of the occupants and/or the public;

(3) meets the live load design requirements contained in article 9 of this chapter; and

(4) complies with the other installation requirements contained in this chapter, except for the structural plans and installation instructions.

(d) Accessory structures, excluding those not requiring a permit to construct as set forth in section 2018 of this chapter, shall not be attached to, be supported by, or transmit any loads to, a recreational vehicle.

(e) Accessory buildings and structures or building components, installed on a MH-unit lot in a special occupancy park, shall comply with the exiting requirements in section 1429 of chapter 2.

(f) Stairways and ramps required for ingress and egress for camping cabins shall be freestanding and are the only accessory structures permitted on a lot with a camping cabin.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18863.4 and 18871.3, Health and Safety Code.
HISTORY:
1. New article 9 (sections 2422-2518) and section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b), new subsections (c)-(c)(4) and subsection relettering filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2424. Regulated Structures

(a) Accessory buildings or structures or building components which do not comply with this article or are deemed to be unsafe by the enforcement agency shall not be allowed, constructed, or occupied.

(b) A permit shall be obtained from the enforcement agency to construct or install an accessory building or structure as required by Article 1 of this chapter, unless specifically exempted in section 2018 of this chapter.

(c) Cabanas, garages and storage buildings shall not be constructed or installed in special occupancy parks except on lots designated for MH-Units as specified in section 2118 of this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18863.4, 18865, 18870 and 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2426. Accessory Buildings or Structures and Building Components Installed in Fire Hazard Severity Zones

(a) Accessory buildings or structures or building components constructed or installed in parks in a State Responsibility Area Fire Hazard Severity Zone or a local Very–High Fire Hazard Severity Zone as indicated on the California Department of Forestry and Fire Protection's Fire Hazard Severity Zone Maps, shall comply with Title 24, Part 2.5, Chapter 3, section R327 of the California Residential Code (CRC) which is hereby incorporated by reference with the exception of the following provisions: Sections R327.1.5, R327.2 (Fire Protection Plan) and R327.3.6.

(b) Accessory buildings or structures or building components constructed or installed outside of parks in a State Responsibility Area Fire Hazard Severity Zone, a local Very-High Fire Hazard Severity Zone, or a local Wildland-Urban Interface Fire Area shall comply with the provisions of the CRC, Title 24, Part 2.5, Chapter 3, section R327.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
2. Amendment filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2428. Location

(a) In parks, accessory buildings or structures, or any part thereof, on a lot shall maintain the following setbacks from lot lines:

(1) When constructed of noncombustible materials:

(A) may be up to the lot line, provided a minimum three (3)-foot clearance is maintained from any other unit, accessory building or structure, or building component on adjacent lots.

(2) When constructed of combustible materials:

(A) a minimum three (3) foot clearance from all lot lines, and

(B) a minimum six (6) foot clearance from any other unit, accessory buildings or structures, or building components on adjacent lots constructed of combustible materials.

(b) Location requirements governing cabanas, private garages, and storage buildings, permitted by section 2118 of this chapter, are found in Article 9 of Chapter 2 of this division.

(c) Stairways with landings not to exceed twelve (12) square feet may be installed to the lot line provided they are located a minimum of three (3) feet from any unit or accessory building or structure including another stairway on an adjacent lot. However, if the stairway is an up-and-over design (steps up the front and down the back) that provides access to the lot beyond the stairway, it does not need to maintain the separation from a unit or accessory building or structure, including another stairway, on an adjacent lot.

(d) Fencing of any material, that meets the requirements of section 2514 of this article, may be installed up to a lot line.

(e) No portion of an accessory building or structure, or building component shall project over or beyond a lot line.

(f) Any permitted accessory building or structure, or building component may be installed up to a lot line bordering a roadway or common area provided there is no combustible building or structure in the common area within six (6) feet and no structure of any kind within three (3) feet of any portion of the accessory building or structure, or building component. The maximum seventy-five percent (75%) lot coverage allowed by section 2110 of this chapter shall be maintained..

(g) Wood awning or carport support posts four (4) inches or greater in nominal thickness may be located up to a lot line provided the remainder of the awning or carport is composed of noncombustible material.

AUTHORITY:
Note: Authority cited: Section 18865, 18865.05 and 18873 Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety

Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (b)–(c) and new subsection (g) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of 2 (Register 2005, No. 33).
4. Amendment of subsections (a)(1)(A), (c) and (f) and amendment of Note filed 12-26-2006; operative 1-2-2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).

§ 2429. Required Exits

(a) An awning enclosure may be constructed or installed to enclose an emergency exit window from a sleeping room within a unit provided the enclosed area adjacent to the emergency exit window has a door not less than twenty–eight (28) inches in width and seventy–four (74) inches in height providing direct access to the outside. The exit doorway from the enclosed accessory building or structure, or building component shall comply with the exit illumination requirements contained in the California Residential Code and lighting outlet requirements contained in the California Electrical code.

(b) An awning enclosure which encloses a required exit from the unit shall have a doorway complying with subsection (a) located as close as possible to that exit. If more than one exit is enclosed, the enclosure shall be provided with the same number of exit doorways that comply with subsection (a) as close as possible to the existing unit exits.

(c) An awning enclosure that encloses a required exit shall not be divided with interior walls or barriers unless the divided areas contain additional exit doors serving the divided areas that comply with subsection (a).

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment of subsection (a) and new subsections (b)-(c) filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
5. Amendment of subsection (a) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2432. Construction

(a) Construction and installation of accessory buildings or structures or building components shall comply with the structural requirements of the California Residential Code, except as otherwise provided by this article. The enforcement agency may require that accessory buildings and structures or building components be designed and constructed to withstand live loads, vertical uplift or horizontal forces from any direction in excess of the minimum loads specified in this chapter, based on local geologic, topographic, or climatic conditions, when approved by the department.

(b) Accessory buildings and structures constructed of aluminum or aluminum alloy shall be designed to conform to the specifications contained in the California Residential Code.

(c) Unless data to substantiate the use of higher values is submitted to the enforcement agency, the allowable loading of accessory buildings and structures or building components on the soil shall not exceed one–thousand five–hundred (1,500) psf vertical soil bearing pressure, one hundred fifty (150) psf of depth lateral soil bearing pressure, and one hundred sixty–seven (167) psf frictional resistance for uncased cast–in place concrete piles.

AUTHORITY:
Note: Authority cited: Section 18865, Health as Safety Code. Reference: Sections 18871.3 and 18873, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2433. Roof Live Load

(a) Except as provided in this article, every cabana installed on or after July 31, 1976, or every accessory building or structure or building component installed on or after June 10, 1979, shall have the capacity to resist the applicable minimum snow load of the region in which it is installed or as is provided by this section.

Table 2433–1
General Roof Live Load Requirements for Accessory Buildings and Structures and Building Components

Region I		Region II		Region III	
Roof Live		Roof Live		Roof Live	
Elevation	Load	Elevation	Load	Elevation	Load
All Elevations	20 psf	0–3000 ft	20 psf	0–2000 ft	20 psf
		3001–3500 ft	30 psf	2001–3000 ft	30 psf
		3501–5000 ft	60 psf	3001–4000 ft	60 psf
				4001–5000 ft	80 psf

Table 2433–1 shall apply except where either greater or lesser snow loads have been established through survey of the region, and approved by the department.

(1) Region I includes the following counties:

Alameda, Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Imperial, Kings, Lake, Los Angeles, Marin, Mendocino, Merced, Monterey, Napa, Orange, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Ventura, Yolo.

(2) Region II includes the following counties:

Amador, Fresno, Inyo, Kern, Modoc, Riverside, San Bernardino, Siskiyou.

(3) Region III includes the following counties:

Alpine, Calaveras, El Dorado, Lassen, Madera, Mariposa, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Tehama, Trinity, Tulare, Tuolumne, Yuba.

(b) Parks that have received approval for a snow roof load maintenance program prior to July 7, 2004, shall maintain the snow roof load maintenance program, as long as accessory buildings or structures, or building components in the park do not meet the minimum roof loads for the area. Accessory buildings or structures or building components installed after July 7, 2004, must have the capacity to resist the applicable minimum roof live loads of the region in which it is installed, as set forth in table 2433–1.

(c) The park owner or operator shall be responsible for the continued management of an existing snow roof load maintenance program approved for the park.

(d) Roof live load requirements shall not apply to storage cabinets.

(e) Accessory structures may be relocated from one park to another and reinstalled under permit within another park provided the requirements for roof live load in the new park are not greater than the requirements of the park in which the accessory structure was previously installed.

AUTHORITY:
Note: Authority cited: Section 18865, Health as Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2434. Calculations and Test Procedures

(a) The load bearing capacity of elements or assemblies shall be established by calculations in accordance with generally established principles of engineering design. However, when the composition or configuration of elements, assemblies or details of structural members are such that calculations of their safe load–carrying capacity and basic structural integrity cannot be accurately determined in accordance with generally established principles of engineering design, structural properties of such elements or assemblies may be established by the results of tests that are designed and certified by an architect or engineer, with the test results approved by the department.

(b) When any structural design or method of construction is substantiated by calculations and supporting data, the calculations and supporting data shall be approved by an architect or engineer and shall be submitted to the department.

(c) When the design of accessory structures is substantiated by calculations or tests, all structural plans shall be approved by the architect or engineer in charge of the total design.

(d) When any design or method of construction is substantiated by tests, all those tests shall be performed by an approved testing agency acceptable to the department or shall be directed, witnessed, and evaluated by an independent architect or engineer. All test procedures and results shall be reviewed, evaluated, and signed by an architect or engineer. The approved testing agency, architect, or engineer shall submit the evaluation of test results, calculations, and recommendations, to the department. The department may require that a representative of the department witness the test.

AUTHORITY:
Note: Authority cited: Section 18865, Health as Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2436. Electrical Installations

(a) Electrical equipment and installations within an accessory building or structure or building component and the circuit supplying power shall be installed by a permanent wiring method and shall comply with the requirements for electrical installations of this chapter.

(b) Flexible cord shall not be used to supply an accessory building or structure or building component, or as a substitute for the fixed wiring of an accessory building or structure or building component.

(c) Unless otherwise specified by this article, electrical service provided to an accessory building or structure or building component shall be supplied from the lot service equipment, provided:

(1) a permit is obtained to alter the lot electrical service by installing a separate overcurrent protective device rated not more than the total calculated electrical load, and

(2) the lot service equipment is capable of supplying the additional load, and

(3) the overcurrent protective device and its installation complies with the California Electrical Code.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18873.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2438. Mechanical Installations

(a) Requirements for heating, ventilating, comfort cooling systems, and fireplaces constructed or installed in, or in conjunction with, accessory buildings or structures or building components are contained in the California Mechanical Code.

(b) No cooking or heating equipment shall be installed in an awning enclosure.

(c) Outdoor cooking appliances and equipment are permitted under an open, freestanding awning.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3, 18873.1 and 18873.4, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 1-21-2009; operative 1-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Repealer and new section filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2440. Plumbing

(a) The requirements for plumbing systems and equipment installed in accessory structures are found in the California Plumbing Code, except as otherwise specified in this article.

(b) An accessory structure directly connected to the water distribution system of a park shall be connected with piping and fittings listed and approved for that purpose. Flexible hose shall not be used as a substitute for water piping or connections.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3, 18871.4 and 18873.1, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2442. Foam Building System Flammability Standards

The requirements of section 24 of this Title shall apply to the use of any foam plastic or foam plastic building system used in the construction of accessory buildings or structures.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2443. Private Garages, Cabanas, and Storage Buildings

(a) Garages, cabanas and storage buildings shall be located only on lots designated for manufactured homes or mobilehomes in accordance with section 2118.

(b) When permitted, garages, cabanas and storage buildings shall comply with the requirements contained in chapter 2 of this Division.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2444. Cabanas

(a) Cabanas shall be located only on lots designated for manufactured homes or mobilehomes in accordance with section 2118.

(b) When permitted, cabana construction and installation shall comply with the requirements contained in chapter 2 of this Division.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2466. Awning—Permitted

An awning may be erected, constructed, or maintained only as an accessory structure to a recreational vehicle located on the same lot.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2468. Awning—Design and Construction

(a) An awning and its structural parts, except cloth, canvas, or similar flexible materials, shall be designed, constructed, and erected to adequately support all dead loads plus a minimum vertical live load of ten (10) psf except that snow loads shall be used where snow loads exceed this minimum. Requirements for the design of awnings necessary to resist minimum horizontal wind pressure are contained in the California Residential Code.

(b) Awnings shall be completely freestanding and shall not transmit any loads to a recreational vehicle. Exception: portable awnings constructed of cloth, canvas, or other flexible material may be attached to the unit.

(c) Flashing or sealing materials may be used to provide a weather seal between a freestanding awning and a unit. No separation is required between a freestanding awning and an attached awning located on the same lot.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2470. Awning—Dimensions

(a) A freestanding awning is not limited as to width or length, except that the total occupied area of a lot, including all accessory building or structures, shall not exceed seventy–five (75) percent of the lot area in accordance with section 2110 of this chapter.

(b) The minimum clear height of any awning shall not be less than seventy–four (74) inches.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2472. Awning—Foundations

Concrete slabs may be considered to have an allowable load bearing capacity of three–hundred–fifty (350) pounds per column. The enforcement agency may accept a loading not to exceed five–hundred (500) pounds per column, provided the slab is not less than three and one–half (3 1/2) inches thick and in good condition. The weight of individual poured concrete footings shall be one and one–half (11/2) times the calculated uplift force. The weight of concrete shall be assumed to be not more than one–hundred–forty–five (145) pounds per cubic foot.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2474. Awning—Enclosures

(a) Awning enclosures shall be used only for recreational or outdoor living purposes and shall not be used as carports or storage rooms nor shall they be constructed or converted for use as a habitable room or a cabana.

(b) Combustible material used for awning enclosures shall not be installed within three (3) feet of the lot line pursuant to section 2428 of this chapter.

(c) Awnings may be enclosed or partially enclosed as follows:

(1) With insect screening or removable flexible plastic material. Awning drop or side curtains shall not be permanently fastened at the sides or bottom. (A permit to construct is not required.)

(2) With rigid, readily removable transparent, or translucent materials.

(3) Awnings may be partially enclosed with solid, opaque panels, provided the panels do not exceed fifty (50) percent of the total wall area.

(4) When an awning is completely enclosed with rigid material, fifty (50) percent of the total wall area shall be translucent or transparent material, of which twenty–five (25) percent of the total wall area shall be able to be opened for ventilation. Exiting requirements shall meet the requirements for a cabana.

(d) Where an awning is erected or constructed immediately adjacent to or over a permanently constructed retaining wall of fire resistant material, there shall be not less than eighteen (18) inches clear ventilating opening between the underside of the awning roof and the top of the wall extending the full length of the awning.

(e) An awning shall not be enclosed unless the enclosure is designed and constructed as a freestanding structure or unless the awning is designed and constructed to withstand the additional forces imposed by the enclosure.

(f) The construction requirements for awning enclosures are contained in the California Residential Code.

(g) Heating, cooking, or fuel burning appliances or equipment shall not be installed or used within an awning enclosure.

(h) An awning enclosure shall be separated from the unit's interior by walls, windows, doors, or sliding glass doors.

(i) When an exit from the unit is enclosed, the exit from the enclosure shall satisfy the exit and lighting requirements contained in section 2429 of this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.

HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (g) and new subsection (h) filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Amendment of subsection (f) and new subsection (i) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2478. Carport—Permitted

(a) A carport may be constructed or maintained on a lot only as an accessory structure to a unit located on the same lot.

(b) A freestanding carport, or a common freestanding carport for the use of the occupants of adjacent lots, may be erected on a lot line, provided that such a carport is constructed of material which does not support combustion, and provided that there is a minimum of three (3) feet clearance from any unit or any other structure on the adjacent lots. Such freestanding carports may be connected to a unit or other accessory building or structure by an open covered walkway not exceeding six (6) feet in width.

(c) A carport shall be designed and constructed in accordance with the structural requirements for awnings as specified in section 2468.

(d) A carport shall conform to the dimensions specified in section 2470 for awnings.

(e) At least two (2) sides or one (1) side and one (1) end of a carport shall be maintained at least fifty (50) percent open and unobstructed at all times.

(1) A carport which is partially enclosed shall be designed and constructed to withstand the additional lateral forces imposed by such an enclosure as required for awning enclosures.

(2) Where a carport is constructed immediately adjacent to or over a permanently constructed retaining wall of fire resistant material, there shall not be less than eighteen (18) inches clear ventilating opening between the underside of the carport roof and the top of the wall extending the full length of the carport.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2486. Ramada—Permitted

(a) A ramada may be erected, constructed, or maintained on a lot only as an accessory to a unit located or intended to be located on the same lot.

(b) A ramada shall be designed and constructed as a freestanding, self–supporting structure meeting the structural requirements for cabanas as specified in section 1446.

(c) A ramada shall not be enclosed or partially enclosed on any side or end.

(d) A ramada or any portion thereof shall have a clearance of not less than eighteen (18) inches in a vertical direction above any plumbing vent extending through the roof of a unit and not less than six (6) inches in a horizontal direction from each side of a unit.

(e) A minimum of two (2) ventilating openings shall be installed at the highest point in the ramada roof to eliminate the buildup of products from vents or ducts. Vent openings shall be located near the ends of the ramada for cross–ventilation and shall have a minimum cross–sectional area of twenty–eight (28) square inches. Chimneys or vents of fuel burning appliances shall extend through the ramada roof surface and shall terminate in an approved roof jack and cap installed in accordance with the appliance listing and the manufacturer's installation instructions.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2496. Exterior Doorways

(a) Exterior doorways of accessory buildings or structures shall be provided with a porch, ramp, landing, and/or stairway conforming to the provisions of this Article.

(b) The requirements for ramps, landings, porches, and/or stairways are contained in the California Residential Code, except as otherwise provided in this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b) filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2498. Landing, Porch, and Stairway—Design and Construction

(a) Requirements for the design and construction of all structural elements of porches and stairways and railings are contained in the California Residential Code, except as otherwise provided by this article. Live loads applicable to porch floors and stairways shall be not less than forty (40) psf. Porches shall be designed and constructed as

completely freestanding, self–supporting structures. Except as otherwise provided in this article, stairways and ramps shall be a minimum of thirty-six (36) inches in width.

(b) Where a door of the unit swings outward onto a landing or porch:

(1) The floor of the exterior landing or porch shall be not more than one (1) inch lower than the bottom of the door; and

(2) The width and depth of the exterior landing or porch serving stairs perpendicular to any outswinging door opening shall comply with subsection (a) of this section and shall not be less than the full width of the door when open at least ninety (90) degrees. Guard rails shall permit the door to open at least ninety (90) degrees.

(c) Where the unit door swings inward or is a sliding door, the landing, porch, or top step of the stairway may not be more than seven and one–half (7 1/2) inches below the door. The width of the landing, porch, or top step of the stairway shall comply both with subsection (a) of this section and not be less than the width of the door opening. A landing or porch is not required when the stairway has a straight run up to the door opening.

(d) The stairway may be capable of being relocated and need not be secured to the lot.

AUTHORITY:
Note: Authority cited: Sections 18865, 18865.05 and 18873, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (d) and repealer of subsection (e) filed 7–22–2005; operative 7–22–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 29).
3. Editorial correction of History 2 (Register 2005, No. 33).
4. Amendment of subsections (a), (b)(2) and (c) and amendment of Note filed 12–26–2006; operative 1–2–2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
5. Amendment of subsection (a) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2500. Porch and Stairway—Foundation

(a) Porches may be supported on piers in lieu of continuous footings. Individual piers shall be designed and constructed to evenly distribute the loads carried to the footings.

(b) Support footings shall comply with the requirements of either section 2334 of this chapter or the California Residential Code.

AUTHORITY:
Note: Authority cited: Section 18865, Health as Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2502. Porch—Guardrails

Guardrails shall be provided around the perimeter of porches and decks which are thirty (30) inches or more above grade. The requirements for porches and guardrails are contained in the California Residential Code, except as otherwise provided in this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health as Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2504. Stairway—Handrails

(a) Every stairway with four (4) or more risers, or stairways exceeding thirty (30) inches, shall be equipped with handrails and intermediate rails for the entire length of the handrail.

(b) Handrails with a circular cross–section shall have an outside diameter of at least one and one–quarter (1.25) inches and not greater than two (2) inches or shall provide equivalent grasping ability. If the handrail is not circular, it shall have a perimeter dimension of at least four (4) inches and not greater than six and one–quarter (6.25) inches with a maximum cross–sectional dimension of two and one–quarter (2.25) inches. Edges shall have a minimum radius of one–hundredth (0.01) inch.

(c) The ends of handrails shall be rounded, extend to the edge of the last step, and shall not project more than three (3) inches beyond the last handrail support post.

(d) The requirements for stairways and handrails are contained in the California Residential Code, except as otherwise provided in this chapter.

AUTHORITYNote: Authority cited: Sections 18865, 18865.05, 18871.3 and 18873, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section and Note filed 12–26–2006; operative 1–2–2007 pursuant to Government Code section 11343.4 (Register 2006, No. 52).
3. Amendment of subsection (b), new subsection (c) and subsection relettering filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
4. Amendment of subsection (d) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2506. Ramps and Handrails

When a ramp and handrail are to be constructed in place of a stairway, the requirements for the design and construction of the ramp and handrail are contained in the California Residential Code, except as otherwise provided in this chapter.

AUTHORITY:
NOTE: Authority cited: Section 18865, Health as Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2510. Storage Cabinets—Location

(a) A storage cabinet may be located immediately adjacent to a unit on the same lot, provided all of the following conditions are met:

(1) The required exits and openings for light and ventilation of the unit, cabana, or building component are not obstructed; and

(2) The location does not prevent service or inspection of the unit's or lot's equipment or utility connections; and

(3) The separation requirements from structures on adjacent lots, contained in section 2428 of this chapter, are maintained.

(b) A storage cabinet shall not be used as a habitable structure, or any part of a habitable structure.

(c) A storage cabinet shall not exceed ten (10) feet in height.

(d) The total, combined floor area of all storage cabinets on a lot shall not exceed one–hundred–twenty (120) square feet.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2514. Fence or Windbreak—Height

(a) A fence located on a lot shall not exceed six (6) feet in height.

(b) A fence exceeding forty–two (42) inches in height, parallel to a unit or habitable accessory building or structure or building component, shall not be located closer than three (3) feet to that unit, habitable accessory building, or structure or building component.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2518. Standard Plan Approval

(a) A standard plan approval may be obtained from the department for a plan for accessory buildings or structures. Department–approved plans shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit when the design loads are consistent with the requirements for the locality and the provisions of this chapter.

(b) Requirements regarding the procedure to obtain a standard plan approval are contained in section 2020.9 of this chapter.

(c) Plan check fees shall not be required for accessory buildings or structures for which a standard plan approval has been obtained from the department.

AUTHORITY:
Note: Authority cited: Section 18865, Health as Safety Code. Reference: Sections 18870.2 and 18871.3, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 10. Violations, Complaints, and Abatement

§ 2600. Application and Scope.

(a) The substandard conditions and abatement requirements contained in this article shall apply to parks, permanent buildings or structures in parks, units, accessory buildings or structures, and building components wherever they are located within parks in all parts of the state.

(b) Existing construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be unsafe or substandard.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18872, Health and Safety Code. Reference: Sections 18865, 18866.3, 18866.5 and 18872, Health and Safety Code.

HISTORY:
1. New article 10 (sections 2600–2619) and section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of article 10 heading filed 12–29–2005; operative 1–1–2006 pursuant to Government Code section 11343.4 (Register 2005, No. 52).
3. Amendment of article heading filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2605. Substandard Permanent Buildings

Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation which include, but are not limited to, the following:

(1) Where required, the lack of, inoperable, or defective water closet, lavatory, bathtub or shower.

(2) Where required, the lack of, inoperable, or defective kitchen sink.

(3) Lack of or inadequate hot and cold running water to plumbing fixtures.

(4) Dampness of habitable rooms.

(5) Infestation of insects, vermin or rodents.

(6) General dilapidation or improper maintenance.

(7) Lack of or defective connection of plumbing fixtures to a sewage disposal system.

(8) Lack of adequate garbage and rubbish storage and removal facilities.

(b) Structural hazards, which include, but are not limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(10) Lack of minimum amounts of required natural light and ventilation.

(c) A Nuisance as defined in subsection 2002.

(d) Electrical hazards which include, but are not limited to, the following:

(1) All electrical equipment or installations that either did not conform with all applicable laws and regulations in effect at the time of its installation, or has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Lack of, inoperable or defective required electrical lighting.

(e) Plumbing which did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross–connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, which did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

(2) Inoperable or defective ventilating equipment.

(g) Faulty weather protection, which includes, but is not limited to, the following:

(1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All buildings or portions thereof not provided with adequate exit facilities as required by this chapter, except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations at the time of their construction.

(l) All buildings, structures, or portions thereof which are not provided with the fire–resistive construction or fire–extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws and regulations at the time of their construction.

(m) All buildings, structures, or portions thereof occupied for living sleeping, cooking, or dining purposes which are not designed or intended to be used for those occupancies.

(n) Room and space dimensions less than required by this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18863.4, 18866.3, 18866.5, 18873, 18873.1, 18873.2, 18873.3, 18873.4 and 18873.5, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2606. Substandard Manufactured Home or Mobilehome

The provisions contained in section 1606, of chapter 2 of this division, are applicable to substandard manufactured homes and mobilehomes.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871, 18871.10 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2607. Substandard Recreational Vehicle

Any recreational vehicle shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation which include, but are not limited to, the following:

(1) Lack of adequate or defective ventilation.

(2) Dampness of habitable rooms.

(3) Infestation of insects, vermin or rodents.

(4) General dilapidation or improper maintenance.

(b) Structural hazards shall include, but are not limited to, the following:

(1) Defective or deteriorated flooring or floor supports.

(2) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(3) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(c) Nuisance as defined in section 2002.

(d) Electrical hazards which shall include, but are not limited to, the following:

(1) All electrical equipment and installations that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Electrical conductors which are not protected by overcurrent protective devices designed to open the circuit when the current exceeds the ampacity of the conductor.

(3) Electrical conductors which do not have ampacity at least equal to the rating of outlet devices or equipment supplied.

(4) Electrical conductors which are not protected from physical damage.

(5) Metallic boxes, fittings, or equipment in an electrical wiring system which are not grounded to prevent shock.

(e) Plumbing hazards which include, but are not limited to, the following:

(1) Plumbing which did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross–connections and/or siphonage between fixtures.

(2) Lack of effective traps providing a water seal for each plumbing fixture.

(3) Lack of effective venting of plumbing drain piping.

(4) Broken, unsanitary or leaking plumbing, pipe or fixtures.

(5) Any fixture, fitting, device or connection installed in such a manner as to permit contamination of the potable water supply.

(f) Hazardous mechanical equipment which includes, but is not limited to, the following:

(1) Mechanical equipment, including all heating equipment and its vent, that did not conform with all applicable laws and regulations in effect at the time of its installation, or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Unvented fuel burning heating appliances.

(3) Heating or fuel burning equipment, including its vent, without adequate clearance from combustible material.

(4) Unsupported, loose, or leaking fuel supply piping.

(g) Faulty weather protection, which includes, but is not limited to deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.

(h) Any recreational vehicle or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire or explosion.

(i) Materials or construction not allowed or approved by this chapter or those that have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All recreational vehicles or portions thereof not provided with adequate exit facilities which conformed to all applicable laws, regulations and standards in effect at the time of their construction, or those facilities that have not been adequately maintained.

(l) Any other components of recreational vehicles or portions thereof that did not conform with all applicable laws, regulations and standards in effect at the time of their construction, or those components that have not been adequately maintained.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871, 18871.10 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2608. Substandard Accessory Buildings and Structures and Building Components

Any accessory structure or building, or building component or portion thereof, or the premises on which the same is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation which include, but are not limited to, the following:

(1) When installed, inoperable or defective water closet, lavatory, bathtub or shower.

(2) When installed, inoperable or defective kitchen sink.

(3) When installed, inadequate hot and cold running water to plumbing fixtures.

(4) Dampness of habitable rooms.

(5) Infestation of insects, vermin or rodents.

(6) General dilapidation or improper maintenance.

(7) When installed, defective connection of plumbing fixtures to a sewage disposal system.

(b) Structural hazards, which include, but are not limited to, the following:

(1) Deteriorated or inadequate foundations or stabilizing devices.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(10) Lack of, inoperable, or defective required ventilating equipment.

(11) Lack of minimum amounts of required natural light and ventilation.

(c) Nuisance as defined in section 2002.

(d) Electrical hazards include, but are not limited to, the following:

(1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Lack of, inoperable, or defective required electrical lighting.

(e) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross–connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation, which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

(g) Faulty weather protection includes, but is not limited to, the following:

(1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any accessory structure or building or building component or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.

(k) All accessory building or structures or building components or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(l) All buildings, structures, or portions thereof which are not provided with the fire–resistive construction or fire–extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws at the time of their construction and whose fire–resistive integrity and fire–extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(m) All accessory buildings or structures or building components or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

(n) Room and space dimensions less than required by this chapter.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2609. Substandard Camping Cabins

Any camping cabin shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Lack of an operational smoke detector.

(b) Dampness of habitable rooms.

(c) Infestation of insects, vermin or rodents.

(d) General dilapidation or improper maintenance.

(e) Structural hazards which include, but are not limited to, the following:

(1) Defective or deteriorated flooring or floor supports.

(2) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(3) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(4) Lack of adequate or defective ventilation.

(f) Nuisance as defined in section 2002.

(g) Electrical hazards which include, but are not limited to, the following:

(1) All electrical equipment and installations except that which conformed with all applicable laws and regulations in effect at the time of initial installation and which has been maintained in good condition.

(2) Electrical conductors that are not protected by overcurrent protective devices.

(3) Electrical conductors that are not protected from physical damage.

(4) Ungrounded metallic boxes, fittings, or equipment.

(5) When provided, inoperable or defective electrical lighting.

(h) Any plumbing installed in a camping cabin.

(i) Any mechanical equipment, excluding electric heating.

(j) Faulty weather protection which includes, but is not limited to deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.

(k) Any camping cabin, or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire.

(l) All materials or construction except those which are specifically allowed or approved by this chapter or applicable provisions of law which have not been adequately maintained in good and safe condition.

(m) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(n) All camping cabins or portions thereof not provided with adequate exit facilities.

(o) Improper or deteriorating support system.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.3 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2610. Abatement

(a) The registered owner of a unit, or the owner of a camping cabin, accessory building or structure, or building component, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation is required to abate the violation.

(b) The legal owner of the property, or park owner or operator for properties or permanent buildings under their ownership or control, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation, is required to abate the violation.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18867, 18871, 18871.3, 18871.10 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2611. Notice of Violation, Complaints and Orders to Correct

(a)(1) Whenever the enforcement agency finds a condition that constitutes a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, the enforcement agency shall provide a written notice to the person or entity responsible for correction of the violation.

(2) The written notice shall state the conditions which constitute the violation including a reference to the law or regulation being violated, and shall order its abatement or correction within five (5) days after the date of notice or a longer period of time as allowed by the enforcement agency.

(3) If a unit is in such condition that identification numbers are not available to determine ownership, the notice shall be given to the owner of the real property, or if located in a park, the owner or operator of the park.

(4) Whenever the enforcement agency determines a unit, habitable accessory building or structure, or permanent building constitutes an imminent hazard representing an immediate risk to the life, health, or the safety of an occupant, the enforcement agency shall post a notice on the structure, declaring it uninhabitable. The unit, habitable accessory building or structure, or permanent building shall not be occupied until deemed safe by the enforcement agency. At the time of the posting, the enforcement agency shall issue a notice as described in this section. A copy of the notice shall be issued to the occupant of the unit, accessory building or structure, or permanent building, if different from the registered owner.

AUTHORITY:
Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.10 and 18872, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment filed 12/29/2005; operative 1/1/2006; (Register 2005, No. 52).

§ 2612. Final Notice Requirements and Appeals

(a) If the initial notice from the enforcement agency has not been complied with on or before the date specified in the notice, the enforcement agency may institute proceedings against the cited person or entity.

(1) The enforcement agency shall issue to the cited person, the last registered owner of a cited unit, and the park owner or operator, or the legal owner of the property where the cited unit, structure, or property is located, a final notice of violation or notice to abate the violation that shall contain at a minimum the following:

(A) the date the notice is prepared;

(B) the name or names of the responsible person or entity;

(C) a list of uncorrected violation(s) cited;

(D) final compliance date;

(E) right to request an informal conference pursuant to section 2752 of this chapter if one has not been requested previously with regard to the identified violations;

(F) right to request a hearing as defined in Section 2002 subdivision (h)(3) pursuant to section 2756 of this chapter but only after the denial or conclusion of the informal conference;

(G) a statement that any willful violation is a misdemeanor under section 18874; of the Health and Safety Code.

(2) The final notice shall be mailed, by registered or certified mail, return receipt requested, to the cited person, to the legal owner of the property as indicated on the permit to operate application and to the last known address of the last registered or legal owner of record of the cited unit, unless the unit is in such condition that identification numbers are not available to determine ownership. The final notice may also be served by personal service at the discretion of the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18867, 18868, 18871.3 and 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section heading and subsection (a)(1)(E) filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Amendment of subsections (a)(1), (a)(1)(F) and (a)(2), repealer of subsection (a)(3) and amendment of Note filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2613. Request for Hearing, Notice of Time and Place for Hearing [Repealed]

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2615. Hearing [Repealed]

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2616. Time to Bring Action [Repealed]

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Repealer filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2617. Consequences of Failure to Abate

(a) It is unlawful for the person ordered to abate a violation to fail or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

(b) If, after the reinspections of an order to correct a violation, the enforcement agency determines that the cited person has made reasonable progress to abate the violation, or that circumstances beyond the control of the cited person have interfered with compliance or slowed compliance, the enforcement agency, in its sole discretion, may extend the period for compliance.

(c) Notwithstanding the provisions of subdivision (a), if a violation poses an imminent hazard representing an immediate risk to life, health, and safety and requires immediate correction, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate a violation if abatement is not complete within the time period allowed by the notice of violation and order.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.9, 18869 and 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

§ 2618. Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation or abate a nuisance within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(b) If the unit, is in such condition that identification numbers are not available to determine ownership, or the enforcement agency is unable to locate the owner after making a reasonable effort to do so, the owner of the property on which the unit, is located shall be liable for such costs.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18866.5, 18869 and 18871.10, Health and Safety Code.

HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2619. Removal

(a) A unit, permanent building, accessory building or structure or building component which has been ordered to be removed due to the existence of violations or a nuisance shall be removed in a manner consistent with law.

(b) A copy of the order to remove a unit accompanied by the titles, registration cards, license plates or decals, and the insignias or federal labels, if available, shall be forwarded to the department. The Department of Motor Vehicles shall be sent the order to remove a recreational vehicle with all indicia noted above. The enforcement agency shall send the required information and indicia within five (5) days after removal of a unit.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18869 and 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).

Article 11. Informal Conferences and Hearing Procedures

§ 2750. Application and Scope

(a) The provisions of this article apply to the procedures available to a cited person, as defined by section 2002 of this chapter, who has received a notice of a violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, issued by the enforcement agency.

(b) A request for an informal conference or hearing will not extend the time for correction of immediate risks to life, health, or safety.

(c) None of the procedures for the appeal and subsequent hearing process extends the time allowed for the correction of violations noted in the original notice of violation or notice of abatement noted in subsequent notices of violation issued to the same person or about the same situation unless:

(1) the final date of compliance occurs before the later of either the date of the informal conference or the date of the written determination of the enforcement agency;

(2) the final date of compliance occurs before the later of either the date of the hearing or the date of the hearing officer's final order;

(3) an extension of time allowed for the correction of violations is contained in the written determination provided by the enforcement agency pursuant to subsection 2754(b); or

(4) an extension of the time allowed for the correction of violations is contained in the final decision issued by an enforcement agency pursuant to subsection 2757(d).

AUTHORITY:
Note: Authority cited: Sections 18865, 18868 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18866.5, 18867 and 18868, Health and Safety Code.
HISTORY:
1. New article 11 (sections 2750-2758) and section filed 7-6-2004; operative 7-6-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of article heading, section and Note filed 2-18-2011; operative 2-18-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).
3. New subsection (b) and subsection relettering filed 2-19-2013; operative 4-1-2013 (Register 2013, No. 8).

§ 2752. Request for Informal Conference

(a) The following informal conference process shall be available to a cited person who is required to respond to a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, and shall be initiated solely at the discretion of the person addressed in the notice of violation if he or she desires to appeal or seek clarification of the notice of violation.

(b) The use of the informal conference process shall be limited to the dispute of one or more of the following issues contained in a notice of violation:

(1) The existence of one or more alleged violations,

(2) The alleged failure to correct the violations in the required time frame, and

(3) The reasonableness of the time frame within which the violations shall be corrected.

(c) If a person is in receipt of a notice of violation and chooses to request an informal conference with a representative of the enforcement agency,

(1) the person shall make a written request to the enforcement agency for an informal conference, and

(2) the person shall ensure that the enforcement agency receives the written request within ten (10) working days of the notice of violation.

(d) The written request for an informal conference shall provide the following information:

(1) The name, address, and telephone number of the person requesting the; informal conference, and

(2) A brief description of the issues disputed.

(e) Within seven (7) working days of the receipt of a written request for an informal conference, the enforcement agency shall contact the person who submitted the request and shall schedule an informal conference for the earliest possible, mutually convenient time and place. The informal conference shall occur during the normal working hours and shall be held no later than twenty–one (21) working days after the enforcement agency's receipt of the written request. "Normal working hours" are from 8:00 a.m. to 5:00 p.m. on Monday through Friday, excluding holidays.

(f) The enforcement agency shall deny a request for an informal conference only if one (1) or more of the following conditions apply:

(1) The issues identified for dispute in the written request do not include at least one (1) of the issues specified in subsection (b), or

(2) The person requesting the informal conference is not available to meet with the representative of the enforcement agency within the twenty–one (21) day time period and the enforcement agency determines that good cause does not exist to postpone the informal conference.

AUTHORITY:
Note: Authority cited: Sections 18865 and 18868, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18867 and 18868, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (a) filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Amendment of subsections (a), (e) and (f)(2) and amendment of Note filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2754. Informal Conference

(a) An informal conference related to a violation shall occur at the time and place scheduled and shall provide the person requesting the conference with the opportunity to explain to the representative of the enforcement agency each issue disputed and the facts and circumstances of each dispute.

(b) Within ten (10) working days of the completion of the informal conference, the enforcement agency shall provide a written notification of its determination to the person who requested the conference.

(c) The written determination shall sustain, overrule, or modify the original notice of violation that contained each issue disputed at the informal conference. Modification may include:

(1) changes to the original violation cited,

(2) where necessary to provide a reasonable time for compliance, an extension of the time within which the modified required corrective action shall be completed. The extension of time shall not exceed thirty (30) calendar days, or such longer period of time allowed by the enforcement agency, from the date of the enforcement agency's written determination or greater period of time as determined by the enforcement agency.

(d) The written request for an informal conference shall be considered withdrawn if the person who submitted the request:

(1) does not appear at the mutually–agreed upon time and place scheduled for the informal conference, and

(2) does not notify the enforcement agency, within five (5) calendar days prior to the date on which the informal conference was scheduled, with written confirmation of the good–cause reason for not appearing at the informal conference.

(e) If the enforcement agency determines that good cause exists for a postponement, the enforcement agency shall postpone an informal conference for a period of time not to exceed fifteen (15) working days and shall notify the person in writing of the time and date of the postponed conference. Otherwise, the agency shall confirm the automatic withdrawal and, if applicable, the denial of the request due to a lack of a good–cause reason, as determined by the enforcement agency.

AUTHORITY:
Note: Authority cited: Sections 18865, 18868 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18867, 18868 and 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsection (b) and Note filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2756. Request for Hearing: Appeal of Decision Rendered in Informal Conference

(a) Any park owner or operator, cited person, or any registered owner of a unit, who has received a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, from the enforcement agency has the right to request a hearing on the matter before an authorized representative of the enforcement agency or that person's designee, after a decision is rendered in an informal conference or the agency has denied the request for an informal conference.

(b) The person requesting the hearing shall submit a written hearing request to the enforcement agency:

(1) within ten (10) working days of the date of the denial of a request for an informal conference, or

(2) within ten (10) working days of the date of the enforcement agency's written determination, following an informal conference, if the issues contained in the notice of violation and the request for hearing were disputed at an informal conference, or

(3) within ten (10) working days of the enforcement agency's issuance of a notice of intent to suspend a permit to operate, issued pursuant to section 18870.12 of the Health and Safety Code. An informal conference is not a condition precedent to a request for a hearing on a notice of intent to suspend the permit to operate and the request shall not be denied for failure to have an informal conference as referenced in Section 2756 subdivision (a).

(c) The written hearing request shall:

(1) provide the name, address, and phone number of the appellant,

(2) provide the appellant reasons for requesting a hearing,

(3) summarize each issue to be disputed at the hearing, and

(4) state the remedy the appellant is seeking.

(d) Upon receipt of a request for a hearing from the cited person or entity, the enforcement agency shall set a time and place for the hearing, shall provide the appellant with written notice of the scheduled time and place of the hearing, and shall provide a statement of the agency's selection of the informal hearing procedures to be applied at the hearing. The enforcement agency shall include a copy of the agency's informal hearing procedures, as required pursuant to Government Code sections 11425.10 and 11445.30.

(1) The enforcement agency shall provide the time and place of the hearing in a written notice to the appellant within fifteen (15) working days of receipt of the request.

(2) The hearing shall commence within fifteen (15) working days of the date of the written notice of the scheduled hearing sent by the enforcement agency.

(3) The appellant shall have the right to apply to the enforcement agency for the postponement of the date of the hearing for a reasonable amount of time. The appellant shall provide a good–cause reason for the request.

(4) The enforcement agency shall grant a request for postponement if it determines that the appellant has good–cause reason for the postponement.

(e) In the event that a cited violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a hearing shall not be permitted and a request for a hearing shall not extend the time for the correction of the violation.

(f) Upon receipt of the request for hearing from the cited person or entity, the enforcement agency shall not initiate any judicial or administrative action related to the defect or defects appealed until after the hearing. However, if the defect or defects cited become an imminent hazard representing an immediate risk to life, health, and safety of persons or property which require immediate correction, the enforcement agency may cancel the hearing, demand immediate abatement or correction, and initiate any appropriate judicial or administrative action related to the defect or defects.

(g) If the request for hearing is not received within ten (10) days from the date of personal service or acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings.

AUTHORITY:
NOTE: Authority cited: Sections 18865, 18868 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18867, 18868 and 18871.10, Health and Safety Code.
HISTORY:
1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of subsections (a) and (b)(1)–(2) filed 1–21–2009; operative 1–21–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 4).
3. Amendment of section heading, section and Note filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2757. Hearing

(a) At the time and place of the hearing, the hearing officer shall hear the testimony of, and accept evidence from the following: the legal owner of the property or park owner or operator, the cited person or their respective representative, and any other person with information or testimony relevant to the final notice to abate. The testimony shall be limited to the violations identified in the cited unit, structure, or property. Prior to the hearing, the enforcement agency shall provide all evidence supporting the abatement action to the hearing officer. If requested by the hearing officer, the appellant also may provide written information prior to the hearing, concurrent with a copy to the enforcement agency's representative identified by the hearing officer.

(b) The hearing shall provide the appellant with the opportunity to be heard by the hearing officer designated by the enforcement agency and to show cause why the notice of violation should be modified or withdrawn.

(1) The appellant shall be entitled to call witnesses to testify at the hearing.

(2) The appellant shall be entitled to be represented by legal counsel at the hearing.

(3) The hearing officer shall regulate the course of the proceeding.

(4) The hearing officer: shall permit the parties and may permit others to offer written or oral comments on the issues; may limit the use of witnesses, testimony, evidence, and argument; and may limit or eliminate the use of pleadings, intervention, discovery, prehearing conferences and rebuttal, as required pursuant to Government Code sections 11445.10 and 11445.40.

(c) If the appellant does not appear at the hearing, the enforcement agency shall have the authority to proceed immediately with administrative or judicial action to secure compliance or abatement.

(d) Within ten (10) working days after the conclusion of the hearing, the hearing officer shall provide a final order to the appellant, in the form of a written decision.

The final order shall:

(1) sustain, modify, or withdraw the notice of violation, and

(2) shall clearly state the enforcement agency's findings upon which the final order is based.

The decision shall be mailed by first class mail to all parties to the hearing. If the decision sustains or modifies the final notice to abate, the hearing officer may establish new dates and compliance schedules.

(e) At the discretion of the hearing officer, the enforcement agency shall post a copy of the written decision in a conspicuous place on the property or unit.

AUTHORITY:

NOTE: Authority cited: Sections 18865 and 18868, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18867, 18868, 18870.14 and 18871.10, Health and Safety Code.

HISTORY:

1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2758. Petition to Review Order of Local Enforcement Agency Following a Hearing

(a) A park owner or operator, or the registered owner of a unit shall be entitled to petition the department to review and investigate, as necessary, the enforcement activities of the local enforcement agency if he or she:

(1) has received a notice of violation issued by an enforcement agency other than the department; and

(2) has received a final order from the local enforcement agency following a hearing.

(b) The petition shall be in writing and shall include the following:

(1) a copy of the original notice of violation;

(2) a copy of the enforcement agency's written determination, if an informal conference was held;

(3) a copy of the enforcement agency's final order if a hearing was held; and

(4) a clear, concise explanation of the issues that the petitioner continues to dispute.

(c) The department shall deem the petition to be a request to exercise the department's responsibility to monitor local enforcement activity pursuant to section 18865.7 of the Health and Safety Code.

(1) Within sixty (60) working days of the receipt of the petition, the department shall review the petition and provide the petitioner with written notice of whether the activities of the local agency require investigation by the department.

(2) If the department has determined that the activities of the local agency require investigation by the department, the written notice to the petitioner shall provide a time frame for the investigation.

(3) If the department investigates the enforcement activities of a local agency in response to one (1) or more petitions provided pursuant to subsection (a), the department shall notify each petitioner within sixty (60) days of the results of the department's investigation.

(d) If the department finds that the notice of violation, written determination, and/or final order issued by the local enforcement agency reflect(s) non–enforcement or over–enforcement of the law, the department shall initiate corrective action pursuant to the provisions of subdivision (d) of section 18865 of the Health and Safety Code.

(e) A petition filed pursuant to this section shall not extend the time for correction of the violation as provided in the original or any subsequent notice of violation issued by the local enforcement agency unless the department, based on the petition and materials submitted with the petition, determines there is a high likelihood that the local enforcement agency was incorrect in issuing the notice of violation.

AUTHORITY:

Note: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18865.7, 18867 and 18868, Health and Safety Code.

HISTORY:

1. New section filed 7–6–2004; operative 7–6–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 28).
2. Amendment of section heading and section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

§ 2759. Time to Bring Action

Any cited person, owner, or other aggrieved person having any objections as to any proceedings or actions undertaken by the hearing officer conducting the hearing, or the enforcement agency in ordering abatement or correction of any violation, shall bring an action in any court of competent jurisdiction within thirty (30) days after receipt of the final order or decision. For the purposes of this section, "aggrieved person" or entity is any person that claims to have been injured by actions of the enforcement agency that would permit the person to file a lawsuit in court.

AUTHORITY:

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18866.3, 18866.4, 18867, 18868, 18869 and 18871.10, Health and Safety Code.

HISTORY:

1. New section filed 2–18–2011; operative 2–18–2011 pursuant to Government Code section 11343.4 (Register 2011, No. 7).

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SPECIAL OCCUPANCY PARKS—MISCELLANEOUS STATUTES

SPECIAL OCCUPANCY PARKS—MISCELLANEOUS STATUTES

EXTRACTED FROM BUSINESS AND PROFESSIONS CODE

Division 5 WEIGHTS AND MEASURES

Chapter 2 ADMINISTRATION (Repealed January 1, 2016)

Article 2.1 Fees And Charges

§ 12240. (Repealed January 1, 2016) Annual device registration fee

(a) Except as otherwise provided in this section, the board of supervisors, by ordinance, may charge an annual registration fee, not to exceed the county's total cost of actually inspecting or testing the devices as required by law, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer pursuant to Section 12210, and to recover the cost of carrying out Section 12211.

(b) Except as otherwise provided in this section, the annual registration fee shall not exceed the amount set forth in subdivisions (f) to (r), inclusive.

(c) The county may collect the fees biennially, in which case they shall not exceed twice the amount of an annual registration fee. The ordinance shall be adopted pursuant to Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(d) Retail gasoline pump meters, for which the above fees are assessed, shall be inspected as frequently as required by regulation, but not less than once every two years.

(e) Livestock scales, animal scales, and scales used primarily for weighing feed and seed, for which the above fees are assessed, shall be inspected as frequently as required by regulation.

(f) For purposes of this section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee, a Department of Food and Agriculture administrative fee, as specified in Section 12241, and a device fee, as specified in subdivisions (g) to (r), inclusive. The business location fee and device fee shall not exceed one hundred dollars ($100) per business location, plus 100 percent of the maximum applicable device fee listed in subdivisions (g) to (r), inclusive.

(g)(1) For marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee shall not exceed the following:

(A) For water submeters, two dollars ($2) per device per space or apartment.

(B) For electric submeters, three dollars ($3) per device per space or apartment.

(C) For vapor submeters, four dollars ($4) per device per space or apartment.

(2) Marinas, mobilehome parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed shall be inspected and tested as frequently as required by regulation.

(h) For weighing devices, other than livestock, with capacities of 10,000 pounds or greater, the device fee shall not exceed two hundred fifty dollars ($250) per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred fifty dollars ($150) per device.

(i) This section does not apply to farm milk tanks.

(j) A scale or device used in a certified farmers' market, as defined by Section 113742 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.

(k) For livestock scales with capacities of 10,000 pounds or greater, the device fee shall not exceed one hundred fifty dollars ($150) per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred dollars ($100) per device.

(l) For liquefied petroleum gas (LPG) meters, truck mounted or stationary, the device fee shall not exceed one hundred eighty-five dollars ($185) per device.

(m) For wholesale and vehicle meters, the device fee shall not exceed seventy-five dollars ($75) per device.

(n) For computing scales, the device fee shall not exceed twenty dollars ($20) per device. For purposes of this subdivision, a computing scale shall be a weighing device with a capacity of less than 100 pounds that indicates the money value of any commodity weighed, at predetermined unit prices, throughout all or part of the weighing range

of the scale. For the purposes of this subdivision, the portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand dollars ($1,000) for each business location.

(o) For jewelry and prescription scales, the device fee shall not exceed eighty dollars ($80) per device. For purposes of this subdivision, a jewelry or prescription scale shall be a scale that meets the specifications, tolerances, and sensitivity requirements established or adopted by the secretary applicable to those devices in accordance with Section 12107.

(p) For weighing devices, other than computing, jewelry, and prescription scales as defined in subdivisions (n) and (o), with capacities of at least 100 pounds but less than 2,000 pounds, the device fee shall not exceed fifty dollars ($50) per device.

(q) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions or in computing other charges for service, including, but not limited to, ambulance, towing, or limousine services, the device fee shall not exceed sixty dollars ($60) per device.

(r) This section does not apply to odometers in rental passenger vehicles, as defined in Section 465 of the Vehicle Code, that are subject to Section 1936 of the Civil Code. If a person files a complaint with the county sealer regarding the accuracy of a rental passenger vehicle odometer, the county sealer may charge a fee to the operator of the vehicle rental business sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

(s) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions involving nonpassenger vehicles that are not subject to Section 1936 of the Civil Code, the portion of the annual registration fee consisting of the business location fee and the device fee authorized pursuant to subdivision (q) shall not exceed the sum of three hundred forty dollars ($340) for each business location.

(t) For all other commercial weighing or measuring devices not listed in subdivisions (g) to (r), inclusive, the device fee shall not exceed twenty dollars ($20) per device. For the purposes of this subdivision, the total portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand dollars ($1,000), for each business location.

(u) For the purposes of this section, a single business location is defined as:

(1) Each business location that uses one or more categories or types of commercial devices as set forth in subdivisions (g) to (p), inclusive, and in subdivision (t), that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.

(2) Each vehicle, except for those vehicles that are employed in vehicle rental transactions, in which one or more commercial devices is installed and used.

(3)(A) For vehicles that are employed in vehicle rental transactions and that are not subject to Section 1936 of the Civil Code, each business location at which vehicles are stored or maintained by a vehicle rental company for the purposes of renting vehicles to customers.

(B) A facility that meets all of the following criteria shall not be considered a business location for the purposes of this paragraph:

(i) The facility is not wholly, or in any part, owned, leased, or operated by the vehicle rental company.

(ii) The facility is not operated or staffed by an employee of the vehicle rental company.

(iii) The facility stores or maintains, on a temporary basis, vehicles at the location for customer convenience.

(C) If a person files a complaint with the county sealer regarding the accuracy of an odometer in a vehicle found or located at a facility described in subparagraph (B), the county sealer may charge a fee to the operator of the vehicle rental company sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

Added Stats 1982 ch 1380 § 4. Amended Stats 1983 ch 1245 § 3; Stats 1987 ch 779 § 1; Stats 1991 ch 360 § 1 (AB 1624); Stats 1992 ch 1203 § 1 (AB 2510); Stats 1993 ch 1050 § 1 (AB 1491); Stats 1994 ch 592 § 5 (SB 1644); Stats 1996 ch 124 § 3 (AB 3470), ch 1023 § 22 (SB 1497) (ch 1023 prevails), effective September 29, 1996; Stats 1998 ch 205 § 1 (SB 1834); Stats 2005 ch 529 § 4 (AB 889), effective January 1, 2006, repealed January 1, 2011; Stats 2011 ch 133 § 2 (AB 120), effective July 26, 2011; Stats 2012 ch 234 § 1 (AB 1623), effective January 1, 2013, repealed January 1, 2016.

CIVIL CODE

Division 3 OBLIGATIONS

Part 4 OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS

Title 2.8 MEMBERSHIP CAMPING CONTRACTS

§ 1812.300. Definitions

For the purposes of this title:

(a) "Membership camping operator" means any enterprise, other than one that is tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, that has as one of its purposes the ownership or operation of campgrounds which include or may include use of camping sites, that solicits membership paid for by a fee or periodic payments, such as annual dues, and the contractual members are the primary intended users. "Membership camping operator" does not include camping or recreational trailer parks, as defined in Section 18215 of the Health and Safety Code, which are open to the general public and which contain camping sites rented for a per use fee, or a "mobilehome park," as defined in either Section 798.4 of the Civil Code or Section 18214 of the Health and Safety Code.

As used in this title, "seller" means membership camping operator.

(b) "Membership camping contract" means an agreement offered or sold within the State of California by a membership camping operator or membership camping broker evidencing a purchaser's right or license to use for more than 14 days in a year, the campgrounds of a membership camping operator and includes a membership which provides for this use.

(c) "Camping site" means a space designed and promoted for the purpose of locating a trailer, tent, tent trailer, pickup camper, or other similar device used for camping.

(d) "Offer" means any solicitation reasonably designed to result in entering into a membership camping contract.

(e) "Person" means any individual, corporation, partnership, limited liability company, trust, association, or other organization other than a government or a subdivision thereof.

(f) "Purchaser" means a person who enters into a membership camping contract and thereby obtains the right to use the campgrounds of a membership camping operator.

(g) "Sale" or "sell" means entering into, or other disposition, of a membership camping contract for value. The term "value" does not include a reasonable fee to offset the administrative costs of transfer of a membership camping contract.

(h) "Campground" means real property within this state owned or operated by a membership camping operator and designated in whole or in part by the membership camping operator as available for camping or outdoor recreation by purchasers of membership camping contracts.

(i) "Blanket encumbrance" means any mortgage, deed of trust, option to purchase, vendor's lien or interest under a contract or agreement of sale, or other financing lien or encumbrance granted by the membership camping operator or affiliate which secures or evidences the obligation to pay money or to sell or convey any campgrounds made available to purchasers by the membership camping operator or any portion thereof, and which authorizes, permits, or requires the foreclosure or other disposition of the campground.

(j) "Nondisturbance agreement" means an instrument in recordable form by which the holder of a blanket encumbrance agrees to all of the following:

(1) The holder's rights in any campground made available to purchasers, prior or subsequent to the agreement, by the membership camping operator shall be subordinate to the rights of purchasers from and after the recordation of the nondisturbance agreement.

(2) The holder and all successors and assignees of the holder, and any person who acquires the campground through foreclosure or by deed in lieu of foreclosure of the blanket encumbrance shall take the campground subject to the rights of purchasers.

(3) The holder or any successor acquiring the campground through the blanket encumbrance shall not use or cause the campground to be used in a manner which would materially prevent purchasers from using or occupying the campground in a manner contemplated by the purchasers' membership camping contracts. However, the holder shall have no obligation to, and no liability for failure to assume the responsibilities or obligations of, the membership camping operator under the membership camping contracts.

(k) "Membership camping contract broker" means a person who, for compensation, resells or offers to resell a membership camping contract to a new purchaser on behalf of a prior purchaser. Membership camping contract broker does not include a membership camping operator or its employees or agents.

Added Stats 1983 ch 847 § 1. Amended Stats 1990 ch 1529 § 4 (SB 2203); Stats 1994 ch 1010 § 45 (SB 2053).

HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 2.4 CAMPS

§ 18897. "Organized camp"

(a) "Organized camp" means a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year.

(b) The term "organized camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp and does not include a child care institution or home-finding agency..

(c) The term "organized camp" also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.

Added Stats 1961 ch 1929 § 1. Amended Stats 1963 ch 278 § 9; Stats 1979 ch 342 § 1, effective July 27, 1979; Stats 2008 ch 664 § 18 (AB 2016), effective January 1, 2009.

Part 2.5 STATE BUILDING STANDARDS

Chapter 1 GENERAL PROVISIONS AND DEFINITIONS

Article 2 Definitions

§ 18909. "Building standard"

(a) "Building standard" means any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, that specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.

(b) Except as provided in subdivision (d), "building standard" includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.

(c) "Building standard" includes a regulation or rule relating to the implementation or enforcement of a building standard not otherwise governed by statute, but does not include the adoption of procedural ordinances by a city or other public agency relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

(d) "Building standard" does not include any safety regulations that any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating, including, but not limited to, warehousing and food processing operations, but not including safety regulations relating to permanent appendages, accessories, apparatus, appliances, and equipment attached to the building as a part thereof, as determined by the commission.

(e) "Building standard" does not include temporary scaffoldings and similar temporary safety devices and procedures that are used in the erection, demolition, moving, or alteration of buildings.

(f) "Building standard" does not include any regulation relating to the internal management of a state agency.

(g) "Building standard" does not include any regulation, rule, order, or standard that pertains to mobilehomes, manufactured homes, commercial coaches, special purpose commercial coaches, or recreational vehicles.

(h) "Building standard" does not include any regulation, rule, or order or standard that pertains to a mobilehome park, as defined by Section 18214, or special occupancy park, as defined by Section 18862.43, except that "building standard" includes the construction of permanent buildings and plumbing, electrical, and fuel gas equipment and installations within permanent buildings in a mobilehome park or special occupancy park. For purposes of this subdivision, "permanent building" means any permanent structure constructed in the mobilehome park or special occupancy park that is a permanent facility under the control and ownership of the park operator.

(i) "Building standard" does not include any regulation, rule, order, or standard that pertains to mausoleums regulated under Part 5 (commencing with Section 9501) of Division 8.

(j) "Building standard" does not include any regulation adopted by the California Integrated Waste Management Board, the Department of Toxic Substances Control, the Occupational Safety and Health Standards Board, or the State Water Resources Control Board concerning the discharge of waste to land or the treatment, transfer, storage,

resource recovery, disposal, or recycling of the waste.

Added Stats 1979 ch 1152 § 163. Amended Stats 1981 ch 817 § 1; Stats 1984 ch 458 § 1, effective July 17, 1984; Stats 1987 ch 1053 § 4; Stats 1988 ch 1632 § 1; Stats 1989 ch 952 § 1; Stats 1992 ch 897 § 5 (AB 3515); Stats 1993 ch 663 § 2 (AB 54); Stats 2002 ch 1124 § 32 (AB 3000), effective September 30, 2002; Stats 2006 ch 890 § 9 (SB 286), effective January 1, 2007.

Division 104 ENVIRONMENTAL HEALTH

Part 12 DRINKING WATER

Chapter 4 CALIFORNIA SAFE DRINKING WATER ACT

Article 5 Public Notification

§ 116470. Consumer confidence report for customers; Report on contaminants detected; Public hearing

(a) As a condition of its operating permit, every public water system shall annually prepare a consumer confidence report and mail or deliver a copy of that report to each customer, other than an occupant, as defined in Section 799.28 of the Civil Code, of a recreational vehicle park. A public water system in a recreational vehicle park with occupants as defined in Section 799.28 of the Civil Code shall prominently display on a bulletin board at the entrance to or in the office of the park, and make available upon request, a copy of the report. The report shall include all of the following information:

(1) The source of the water purveyed by the public water system.

(2) A brief and plainly worded definition of the terms "maximum contaminant level," "primary drinking water standard," and "public health goal."

(3) If any regulated contaminant is detected in public drinking water supplied by the system during the past year, the report shall include all of the following information:

(A) The level of the contaminant found in the drinking water, and the corresponding public health goal and primary drinking water standard for that contaminant.

(B) Any violations of the primary drinking water standard that have occurred as a result of the presence of the contaminant in the drinking water and a brief and plainly worded statement of health concerns that resulted in the regulation of that contaminant.

(C) The public water system's address and phone number to enable customers to obtain further information concerning contaminants and potential health effects.

(4) Information on the levels of unregulated contaminants, if any, for which monitoring is required pursuant to state or federal law or regulation.

(5) Disclosure of any variances or exemptions from primary drinking water standards granted to the system and the basis therefor.

(b) On or before July 1, 1998, and every three years thereafter, public water systems serving more than 10,000 service connections that detect one or more contaminants in drinking water that exceed the applicable public health goal, shall prepare a brief written report in plain language that does all of the following:

(1) Identifies each contaminant detected in drinking water that exceeds the applicable public health goal.

(2) Discloses the numerical public health risk, determined by the office, associated with the maximum contaminant level for each contaminant identified in paragraph (1) and the numerical public health risk determined by the office associated with the public health goal for that contaminant.

(3) Identifies the category of risk to public health, including, but not limited to, carcinogenic, mutagenic, teratogenic, and acute toxicity, associated with exposure to the contaminant in drinking water, and includes a brief plainly worded description of these terms.

(4) Describes the best available technology, if any is then available on a commercial basis, to remove the contaminant or reduce the concentration of the contaminant. The public water system may, solely at its own discretion, briefly describe actions that have been taken on its own, or by other entities, to prevent the introduction of the contaminant into drinking water supplies.

(5) Estimates the aggregate cost and the cost per customer of utilizing the technology described in paragraph (4), if any, to reduce the concentration of that contaminant in drinking water to a level at or below the public health goal.

(6) Briefly describes what action, if any, the local water purveyor intends to take to reduce the concentration of the contaminant in public drinking water supplies and the basis for that decision.

(c) Public water systems required to prepare a report pursuant to subdivision (b) shall hold a public hearing for the purpose of accepting and responding to public comment on the report. Public water systems may hold the public hearing as part of any regularly scheduled meeting.

(d) The department shall not require a public water system to take any action to reduce or eliminate any exceedance of a public health goal.

(e) Enforcement of this section does not require the department to amend a public water system's operating permit.

(f) Pending adoption of a public health goal by the Office of Environmental Health Hazard Assessment pursuant to

subdivision (c) of Section 116365, and in lieu thereof, public water systems shall use the national maximum contaminant level goal adopted by the United States Environmental Protection Agency for the corresponding contaminant for purposes of complying with the notice and hearing requirements of this section.

(g) This section is intended to provide an alternative form for the federally required consumer confidence report as authorized by 42 U.S.C. Section 300g-3(c).

Added Stats 1996 ch 755 § 12 (SB 1307).

REVENUE AND TAXATION CODE

Division 2 OTHER TAXES

Part 1.7 ADDITIONAL LOCAL TAXES

Chapter 1 OCCUPANCY TAXES

§ 7280. Hotel and lodging tax; Definitions; Transient occupancy tax; Standard form necessary for exemptions

(a) The legislative body of any city, county, or city and county may levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging unless the occupancy is for a period of more than 30 days. The tax, when levied by the legislative body of a county, applies only to the unincorporated areas of the county.

(b) For purposes of this section, the term "the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging" does not include the right of an owner of a time–share estate in a room or rooms in a time–share project, or the owner of a membership camping contract in a camping site at a campground, or the guest of the owner, to occupy the room, rooms, camping site, or other real property in which the owner retains that interest.

For purposes of this subdivision:

(1) "Time–share estate" means a time–share estate, as defined by paragraph (1) of subdivision (x) of Section 11212 of the Business and Professions Code.

(2) "Membership camping contract" means a right or license as defined by subdivision (b) of Section 1812.300 of the Civil Code.

(3) "Guest of that owner" means a person who does either of the following:

(A) Occupies real property accompanied by the owner of either of the following:

(i) A time–share estate in that real property.

(ii) A camping site in a campground pursuant to a right or license under a membership camping contract.

(B) Exercises that owner's right of occupancy without payment of any compensation to the owner.

(C) "Guest of that owner" specifically includes a person occupying a time–share unit or a camping site in a campground pursuant to any form of exchange program.

(c) For purposes of this section, "other lodging" includes, but is not limited to, a camping site or a space at a campground or recreational vehicle park, but does not include any of the following:

(1) Any facilities operated by a local government entity.

(2) Any lodging excluded pursuant to subdivision (b).

(3) Any campsite excluded from taxation pursuant to Section 7282.

(d) Subdivision (b) does not affect or apply to the authority of any city, county, or city and county to collect a transient occupancy tax from time–share projects that were in existence as of May 1, 1985, and which time–share projects were then subject to a transient occupancy tax imposed by an ordinance duly enacted prior to May 1, 1985, pursuant to this section. Chapter 257 of the Statutes of 1985 may not be construed to affect any litigation pending on or prior to December 31, 1985.

(e)(1)(A) If the legislative body of a city, county, or city and county elects to exempt from a tax imposed pursuant to this section any of the following persons whose occupancy is for the official business of their employers, the legislative body shall create a standard form to claim this exemption and the officer or employee claiming the exemption shall sign the form under penalty of perjury:

(i) An employee or officer of a government outside the United States.

(ii) An employee or officer of the United States government.

(iii) An employee or officer of the state government or of the government of a political subdivision of the state.

(B) The standard form described in subparagraph (A) shall contain a requirement that the employee or officer claiming the exemption provide to the property owner one of the following, as determined by the legislative body of the city, county, or city and county imposing the tax, as conclusive evidence that his or her occupancy is for the official business of his or her employer:

(i) Travel orders from his or her government employer.

(ii) A government warrant issued by his or her employer to pay for the occupancy.

(iii) A government credit card issued by his or her employer to pay for the occupancy.

(C) The standard form described in subparagraph (A) shall contain a requirement that the officer or employee provide photo identification, proof of his or her governmental employment as an employee or officer as described in

clause (i), (ii), or (iii) of subparagraph (A), and proof, consistent with the provisions of subparagraph (B), that his or her occupancy is for the official business of his or her governmental employer.

(2) There shall be a rebuttable presumption that a property owner is not liable for the tax imposed pursuant to this section with respect to any government employee or officer described in clause (i), (ii), or (iii) of subparagraph (A) of paragraph (1) for whom the property owner retains a signed and dated copy of a standard form that complies with the provisions of subparagraphs (B) and (C) of paragraph (1).

(f) The provisions of subdivision (e) are not intended to preclude a city, county, or city and county from electing to exempt any other class of persons from the tax imposed pursuant to this section.

Added Stats 1st Ex Sess 1971 ch 1 § 8.1, effective December 8, 1971. Amended Stats 1985 ch 257 § 1; Stats 1992 ch 1186 § 1 (SB 1984); Stats 2003 ch 62 § 277 (SB 600). Amended Stats 2004 ch 936 § 1.5 (AB 1916).

VEHICLE CODE

Division 1 WORDS AND PHRASES DEFINED

§ 242. "Camp trailer"

A "camp trailer" is a vehicle designed to be used on a highway, capable of human habitation for camping or recreational purposes, that does not exceed 16 feet in overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body and does not exceed 96 inches in width and includes any tent trailer. Where a trailer telescopes for travel, the size shall apply to the trailer as fully extended. Notwithstanding any other provision of law, a camp trailer shall not be deemed to be a trailer coach.

Added Stats 1971 ch 1536 § 1.

§ 243. "Camper"

A "camper" is a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. A camper having one axle shall not be considered a vehicle.

Added Stats 1963 ch 688 § 1. Amended Stats 1968 ch 228 § 1, effective May 29, 1968.

§ 285. "Dealer"

"Dealer" is a person not otherwise expressly excluded by Section 286 who:

(a) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration, a motorcycle, snowmobile, or all-terrain vehicle subject to identification under this code, or a trailer subject to identification pursuant to Section 5014.1, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of the vehicle.

(b) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not the vehicles are owned by the person.

Enacted Stats 1959 ch 3. Amended Stats 1959 ch 173 § 2, ch 1996 § 1.4; Stats 1961 ch 58 § 2, effective March 31, 1961; Stats 1979 ch 622 § 2; Stats 2001 ch 539 § 1 (SB 734). Amended Stats 2004 ch 836 § 1 (AB 2848); Stats 2005 ch 270 § 8 (SB 731), effective January 1, 2006.

§ 321. "Factory–built housing"

"Factory–built housing" is a structure as defined in Section 19971 of the Health and Safety Code. As used in this code, factory–built housing is a trailer coach which is in excess of eight feet in width or in excess of 40 feet in length.

Added Stats 1980 ch 1150 § 7.

§ 362. "House car"

A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car except that, for the purposes of Division 11 (commencing with Section 21000) and Division 12 (commencing with Section 24000), a motor vehicle equipped with a camper having an axle that is designed to support a portion of the weight of the camper unit shall be considered a three–axle house car regardless of the method of attachment or manner of registration. A house car shall not be deemed to be a motortruck.

Added Stats 1963 ch 688 § 3. Amended Stats 1967 ch 375 § 1; Stats 1968 ch 228 § 2, effective May 29, 1968, ch 875 § 1.

§ 630. "Trailer"

A "trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. As used in Division 15 (commencing with Section 35000), "trailer" includes a semitrailer when used in conjunction with an auxiliary dolly, if the auxiliary dolly is of a type constructed to replace the function of the drawbar and the front axle or axles of a trailer.

Enacted Stats 1959 ch 3. Amended Stats 1983 ch 145 § 1.2, effective June 28, 1983; Stats 1984 ch 542 § 1.

§ 635. "Trailer coach"

A "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. A "park trailer," as described in Section 18009.3 of the Health and Safety Code, is a trailer coach.

Enacted Stats 1959 ch 3. Amended Stats 1963 ch 1317 § 1; Stats 1971 ch 1536 § 1.5; Stats 1986 ch 1078 § 5, effective September 24, 1986, operative January 1, 1987; Stats 1993 ch 272 § 12 (AB 301), effective July 30, 1993. Amended Stats 2000 ch 566 § 3 (AB 1912).

Division 3 REGISTRATION OF VEHICLES AND CERTIFICATES OF TITLE

Chapter 2 TRANSFERS OF TITLE OR INTEREST

Article 3 Notice And Application

§ 5903. Transfer of registration of abandoned trailer or recreational vehicle; Issuance of new ownership certificate and registration

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 Stats 1991 ch 564 § 2 (AB 743).

Division 4 SPECIAL ANTITHEFT LAWS

Chapter 2 REPORTS OF STORED VEHICLES

§ 10650. Written records; Contents; Inspection by peace officer

(a) Every operator of a towing service and every keeper of a garage or trailer park shall keep a written record of every vehicle of a type subject to registration under this code stored for a period longer than 12 hours.

(b) The record shall contain the name and address of the person storing the vehicle or requesting the towing, the names of the owner and driver of the vehicle, if ascertainable, and a brief description of the vehicle including the name or make, the motor or other number of the vehicle, the nature of any damage to the vehicle, and the license number and registration number shown by the license plates or registration card, if either of the latter is attached to the vehicle in a clearly discernible place.

(c) All records shall be kept for one year from the commencement of storage and shall be open to inspection by any peace officer.

(d) Upon termination of the storage, a statement shall be added to the record as to the disposition of the vehicle, including the name and address of the person to whom the vehicle was released and the date of such release.

Enacted Stats 1959 ch 3. Amended Stats 1974 ch 271 § 1.

§ 10652. Report of vehicles stored for 30 days

Whenever any vehicle of a type subject to registration under this code has been stored in a garage, repair shop, parking lot, or trailer park for 30 days, the keeper shall report such fact to the Department of Justice in Sacramento by receipted mail, which shall at once notify the legal owner as of record. This section shall not apply to any vehicle stored by a peace officer or employee designated in Section 22651 pursuant to Article 3 (commencing with Section 22850) of Chapter 10 of Division 11.

Enacted Stats 1959 ch 3. Amended Stats 1965 ch 1135 § 4; Stats 1968 ch 1070 § 1; Stats 1972 ch 98 § 4, effective May 30, 1972, operative October 1, 1972; Stats 1979 ch 373 § 314.

§ 10652.5. Motor vehicle storage fees

(a) Whenever the name and address of the legal owner of a motor vehicle is known, or may be ascertained from the registration records in the vehicle or from the records of the Department of Motor Vehicles, no fee or service charge may be imposed upon the legal owner for the parking and storage of the motor vehicle except as follows: (1) The first 15 days of possession and (2) following that 15–day period, the period commencing three days after written notice is sent by the person in possession to the legal owner by certified mail, return receipt requested, and continuing for a period not to exceed any applicable time limit set forth in Section 3068 or 3068.1 of the Civil Code.

(b) The costs of notifying the legal owner may be charged as part of the storage fee when the motor vehicle has been stored for an indefinite period of time and notice is given no sooner than the third day of possession. This subdivision also applies if the legal owner refuses to claim possession of the motor vehicle.

(c) In any action brought by, or on behalf of, a legal owner of a motor vehicle to which subdivision (a) applies, to recover a motor vehicle alleged to be withheld by the person in possession of the motor vehicle by demanding storage fees or charges for any number of days in excess of that permitted pursuant to subdivision (a), the prevailing party shall be entitled to reasonable attorney's fees, not to exceed one thousand seven hundred fifty dollars ($1,750). The recovery of those fees is in addition to any other right, remedy, or cause of action of that party.

(d) This section is not applicable to any motor vehicle stored by a levying officer acting under the authority of judicial process.

Added Stats 1973 ch 911 § 1. Amended Stats 1983 ch 913 § 1; Stats 1988 ch 1092 § 5; Stats 1991 ch 727 § 3 (AB 1882); Stats 1995 ch 289 § 1 (AB 323).

§ 10654. Renting of private building for use as garage

Every person other than the keeper of a garage renting any private building used as a private garage or space therein for the storage of a vehicle of a type subject to registration under this code, when the agreement to rent includes only the building or space therein, shall within 24 hours after the vehicle is stored therein report such fact together with the name of the tenant, and a description of the vehicle, including the name or make, the motor or other number of the vehicle, and the license number to the sheriff's office of the county or the police department of the city wherein the building is located. "Private garage" as used in this section does not include a public warehouse or public garage.

Enacted Stats 1959 ch 3.

§ 10655. Failure to make reports or keep records

No person required to keep a record or make a report under this chapter shall wilfully fail, refuse, or neglect to comply with this chapter.

Enacted Stats 1959 ch 3.

§ 10658. Recreational vehicle stored in mobilehome park; Exemption

(a) The provisions of this chapter shall not apply to the storage of any recreational vehicle owned by a mobilehome park resident and stored in a mobilehome park.

(b) As used in this section, "recreational vehicle" shall have the same meaning as defined in Section 18215.5 of the Health and Safety Code, and "mobilehome park" shall have the same meaning as defined in Section 18214 of the Health and Safety Code.

Added Stats 1974 ch 646 § 3.

Division 5 OCCUPATIONAL LICENSING AND BUSINESS REGULATIONS

Chapter 4 MANUFACTURERS, TRANSPORTERS, DEALERS, AND SALESMEN

Article 1 Issuance Of License And Certificates To Manufacturers, Transporters, And Dealers

§ 11700. License or temporary permit required

No person shall act as a dealer, remanufacturer, manufacturer, or transporter, or as a manufacturer branch, remanufacturer branch, distributor, or distributor branch, without having first been issued a license as required in Section 11701 or temporary permit issued by the department, except that, when the license or temporary permit has been canceled, suspended, or revoked or has expired, any vehicle in the dealer's inventory and owned by the dealer when the dealer ceased to be licensed may be sold at wholesale to a licensed dealer. The former licensee shall give the purchasing dealer a statement of facts stating that the seller is not a licensed dealer. Any vehicle on consignment with the dealer when the dealer ceased to be licensed shall be returned to the consignor. Any vehicle in the dealer's possession, but not owned by the dealer and not on consignment when the dealer ceased to be licensed, shall be returned to the owner of the vehicle.

Enacted Stats 1959 ch 3. Amended Stats 1967 ch 557 § 2; Stats 1971 ch 1214 § 21; Stats 1973 ch 996 § 20, operative July 1, 1974; Stats 1975 ch 182 § 15, effective July 5, 1975; Stats 1976 ch 619 § 4; Stats 1977 ch 105 § 2; Stats 1983 ch 1286 § 24; Stats 1990 ch 1563 § 38 (AB 3243).

Division 12 EQUIPMENT OF VEHICLES

Chapter 5 OTHER EQUIPMENT

Article 11 Fire Extinguishers

§ 28060. Recreational vehicles and campers

(a) No person shall sell or offer for sale a new recreational vehicle or new camper which is equipped with cooking equipment or heating equipment, and no dealer or person holding a retail seller's permit shall sell or offer for sale a used recreational vehicle or a used camper which is equipped with cooking or heating equipment, unless such new or used vehicle or new or used camper is equipped with at least one fire extinguisher, filled and ready for use, of the dry chemical or carbon dioxide type with an aggregate rating of at least 4–B:C units, which meets the requirements specified in Section 13162 of the Health and Safety Code.

(b) The operator of a recreational vehicle, or a vehicle to which a camper is attached, which recreational vehicle or camper is equipped with a fire extinguisher as required by subdivision (a), shall carry such fire extinguisher in such recreational vehicle or camper and shall maintain the fire extinguisher in an efficient operating condition.

(c) As used in this section:

(1) "Cooking equipment" means a device designed for cooking which utilizes combustible material, including, but not limited to, materials such as charcoal or any flammable gas or liquid, and "heating equipment" means a device designed for heating which utilizes combustible material, including, but not limited to, materials such as charcoal or any flammable gas or liquid.

(2) "Recreational vehicle" has the same meaning as defined in Section 18010.5 of the Health and Safety Code.

Added Stats 1972 ch 392 § 1.

Laws and Regulations
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Earthquake Protection Law

Health and Safety Code

EARTHQUAKE PROTECTION LAW

EARTHQUAKE PROTECTION LAW

HEALTH AND SAFETY CODE

Division 13 HOUSING

Part 3 MISCELLANEOUS

Chapter 2 EARTHQUAKE PROTECTION

Article 1 Scope And Application

§ 19100. Exemptions

This chapter does not apply to any of the following buildings:

(a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.

(b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.

(c) Any building designed and constructed primarily for use in housing poultry, livestock, hay, grain, or farm machinery and supplies, even though persons may work in, or may otherwise be present in, such building from time to time.

(d) Any building under construction on and prior to May 26, 1933.

(e) Any building in an unincorporated area and used for human habitation and of wood frame construction and not more than two stories in height, in which the span between bearing walls does not exceed twenty–four feet (24′), no room in which contains an area of more than one thousand square feet (1,000 sq. ft.), and which is located in a labor camp as defined in Section 2410 of the Labor Code.

Enacted Stats 1939 ch 60. Amended Stats 1955 ch 1491 § 1; Stats 1968 ch 367 § 1.

§ 19101. Right to establish higher standards

Any city, city and county, or county may establish by ordinance construction standards higher than those established by this chapter.

Enacted Stats 1939 ch 60.

Article 2 Enforcement

§ 19120. Enforcement by building departments; "Building department"

The building department of every city and city and county shall enforce this chapter within the city or city and county.

"Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

Enacted Stats 1939 ch 60.

§ 19121. Enforcement in unincorporated areas

The department, officer, or officers of a county who are charged with the enforcement of ordinances or laws regulating the erection, construction, or alteration of buildings shall enforce this chapter within the county but outside the territorial limits of any city.

Enacted Stats 1939 ch 60.

§ 19122. Designation of enforcement agency

Any city or county may, by ordinance, designate any department or officer, other than a department or officer mentioned in this chapter, to enforce all or any part of this chapter.

Enacted Stats 1939 ch 60.

§ 19123. Enforcement in absence of designated agency

In any city where there is no department or officer charged with or designated for the enforcement of this chapter, the appropriate department, officer, or officers of the county in which such city is located shall enforce this chapter.

In any county where there is no department or officer charged with or designated for the enforcement of this chapter, this chapter shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

Added Stats 1941 ch 301 § 1.

§ 19124. Enforcement upon failure of enforcement agency to secure correction of violation

The Division of Codes and Standards of the Department of Housing and Community Development may enforce any provision of this chapter or any building standards published in the State Building Standards Code which it finds is being violated in a building hereafter constructed, after it has given the enforcement agency written notice of the violation and the enforcement agency has failed to secure correction of the violation within the following 10 days. In such cases where the division processes applications for building permits, the fees prescribed in this chapter shall be payable to the division.

Added Stats 1955 ch 1775 § 1. Amended Stats 1969 ch 1394 § 1; Stats 1974 ch 859 § 1; Stats 1979 ch 1152 § 169.

Article 2a Building Permits

§ 19130. Necessity for permit

No person shall construct a building subject to this chapter unless he has obtained a written permit for that purpose from the appropriate enforcement agency.

Added Stats 1941 ch 301 § 2.

§ 19131. Application for permit

Any person desiring a permit shall file an application therefor with the appropriate enforcement agency, which application shall contain:

(a) The name and address of the applicant.

(b) A detailed written statement of the work to be done.

Added Stats 1941 ch 301 § 2.

§ 19132. Filing of plans, specifications, and fee with applications

The applicant shall file with his application:

(a) A complete set of the plans of the work proposed.

(b) A set of specifications describing the materials to be used in the work.

(c) The fee prescribed for filing an application for a building permit.

Added Stats 1941 ch 301 § 2. Amended Stats 1945 ch 1147 § 1.

§ 19132.3. Fee schedules

The governing body of any county or city, including a charter city, may adopt an ordinance prescribing fees for filing applications pursuant to this chapter, but the fees shall not exceed the amount reasonably required by the local enforcement agency to issue permits pursuant to this chapter, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code. Where the Department of Housing and Community Development is the enforcement agency, the Commission of Housing and Community Development may establish a schedule of fees to pay the cost of administration and enforcement of this chapter. All rules and regulations promulgated by the commission under the authority of this part shall be promulgated pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Added Stats 1945 ch 1147 § 2. Amended Stats 1969 ch 1394 § 2; Stats 1981 ch 914 § 9; Stats 1990 ch 1572 § 25 (AB 3228).

§ 19132.5. Fees where work started before permit obtained

Where work for which a permit is required by this chapter is started or proceeded with prior to the obtaining of such permit, the fees prescribed in Section 19132.3 shall be doubled. The payment of such double fee does not relieve any person from fully complying with the requirements of this chapter in the execution of the work.

Added Stats 1945 ch 1147 § 3.

§ 19132.7. Determination of cost of work; Accounting and disposition of fees received

The enforcement agency shall determine the cost of the work to be done for which the applicant desires a permit, and shall be guided by approved estimating practices. The enforcement agency shall keep a permanent account of all fees received under this chapter, the names of the persons upon whose account the same were paid, the date and

the amount thereof, and the location of the building or premises to which they relate. All fees received shall be paid into the treasury of the city or county.

Added Stats 1945 ch 1147 § 4.

§ 19132.9. When fee not required

The United States, the State of California, school or other districts, counties and cities shall not be required to pay a fee for filing an application for a building permit pursuant to this chapter.

Added Stats 1945 ch 1147 § 5. Amended Stats 1973 ch 692 § 2.

§ 19133. Issuance of permit

The enforcement agency shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this chapter, shall approve them and issue a permit to the applicant.

Added Stats 1941 ch 301 § 2.

§ 19134. Approval of changes in application, plans, or specifications

The enforcement agency may approve changes in any application, plans, or specifications previously approved by it.

Added Stats 1941 ch 301 § 2.

§ 19135. Revocation of permits

The enforcement agency may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this chapter, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee.

Added Stats 1941 ch 301 § 2.

§ 19136. Performance of work

The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee.

Added Stats 1941 ch 301 § 2.

§ 19137. Issuance of permit not deemed approval of violation

The issuance of a permit does not constitute approval of any violation of any provision of this chapter.

Added Stats 1941 ch 301 § 2.

§ 19138. Application with specific reference to application, plans and specifications filed under State Housing Law

In any case where a building subject to this chapter is also subject to any permit provisions of the rules and regulations promulgated pursuant to the provision of the State Housing Law, it shall not be necessary to make duplicate filings of plans and specifications hereunder, to include in the application a detailed statement of the work to be done, nor shall it be necessary to pay a fee for filing an application for a building permit under this chapter if a fee is prescribed by local ordinance for a permit under the State Housing Law. In such cases, the application hereunder may contain a general statement of the work to be done, with a specific reference to the application, plans, and specifications filed under the State Housing Law.

Added Stats 1941 ch 301 § 2. Amended Stats 1945 ch 1147 § 6; Stats 1961 ch 1844 § 10.

Article 3 Design And Construction

§ 19150. Resistance to stresses produced by lateral forces

Every building or structure and every portion thereof shall be designed and constructed to resist stresses produced by lateral forces as provided in the State Building Standards Code. In areas where the Division of Codes and Standards of the Department of Housing and Community Development is the enforcement agency, plumbing and electrical equipment and installations shall be subject to building standards published in the State Building Standards Code and the other rules and regulations adopted pursuant to Sections 17921 and 17922 of this code.

Enacted Stats 1939 ch 60. Amended Stats 1941 ch 1065 § 1; Stats 1953 ch 1766 § 1; Stats 1965 ch 1039 § 1; Stats 1969 ch 1394 § 3; Stats 1974 ch 859 § 2; Stats 1979 ch 1152 § 170.

§ 19151. [Repealed]

Enacted Stats 1939 ch 60. Amended Stats 1963 ch 1786 § 67, operative October 1, 1963. Repealed Stats 1965 ch 1039 § 2. The repealed section related to the computation of stresses resulting from combined vertical and horizontal forces.

Article 4 Earthquake Hazardous Building Reconstruction

§ 19160. Legislative findings and declarations

The Legislature finds and declares that:

(a) Because of the generally acknowledged fact that California will experience moderate to severe earthquakes in the foreseeable future, increased efforts to reduce earthquake hazards should be encouraged and supported.

(b) Tens of thousands of buildings subject to severe earthquake hazards continue to be a serious danger to the life and safety of hundreds of thousands of Californians who live and work in them in the event of an earthquake.

(c) Improvement of safety to life is the primary goal of building reconstruction to reduce earthquake hazards.

(d) In order to make building reconstruction economically feasible for, and to provide improvement of the safety of life in, seismically hazardous buildings, building standards enacted by local government for building reconstruction may differ from building standards which govern new building construction.

(e) “Soft story” residential buildings are a subset of multistory woodframe structures that may have inadequately braced lower stories that may not be able to resist earthquake motion.

(f) Soft story residential buildings are an important component of the state’s housing stock and are in jeopardy of being lost in the event of a major earthquake.

(g) Soft story residential buildings were responsible for 7,700 of the 16,000 housing units rendered uninhabitable by the Loma Prieta earthquake and over 34,000 of the housing units rendered uninhabitable by the Northridge earthquake.

(h) During an earthquake, soft story residential buildings may create dangerous conditions as illustrated in the Northridge Meadows apartment failure that claimed the lives of 16 residents.

(i) The collapse of soft story residential buildings can ignite fires that threaten trapped occupants and neighboring buildings and complicates emergency response.

(j) The Association of Bay Area Governments (ABAG) estimates that soft story residential buildings will be responsible for 66 percent of the uninhabitable housing following an event on the Hayward fault.

(k) The failure of soft story residential buildings is estimated by ABAG to be the source of a disproportionate share of the public shelter population because they tend to be occupied by the very poor, the very old, and the very young.

(l) The Seismic Safety Commission has recommended that legislation be enacted to require state and local building code enforcement agencies to identify potentially hazardous buildings and to adopt mandatory mitigation programs that will significantly reduce unacceptable hazards in buildings by 2020.

(m) The current nationally recognized model code relating to the retrofit of existing buildings is Appendix Chapter A4 of the International Existing Building Code. However, it is not the intent of the Legislature, if other model codes relating to the retrofit of existing buildings are developed, to limit the California Building Standards Commission or a local government, pursuant to Section 19162, to adopting a particular model code.

(n) Therefore, it is the intent of the Legislature to encourage cities and counties to address the seismic safety of soft story residential buildings and encourage local governments to initiate efforts to reduce the seismic risk in vulnerable soft story residential buildings.

Added Stats 1979 ch 510 § 2. Amended Stats 2005 ch 525 § 1 (AB 304), effective January 1, 2006.

§ 19161. Assessment of earthquake hazard

(a) Each city, city and county, or county, may assess the earthquake hazard in its jurisdiction and identify buildings subject to its jurisdiction as being potentially hazardous to life in the event of an earthquake. Potentially hazardous buildings include the following:

(1) Unreinforced masonry buildings constructed prior to the adoption of local building codes requiring earthquake resistant design of buildings that are constructed of unreinforced masonry wall construction and exhibit any of the following characteristics:

(A) Exterior parapets or ornamentation that may fall.

(B) Exterior walls that are not anchored to the floors or roof.

(C) Lack of an effective system to resist seismic forces.

(2) Woodframe, multiunit residential buildings constructed before January 1, 1978, where the ground floor portion of the structure contains parking or other similar open floor space that causes soft, weak, or open-front wall lines, as provided in a nationally recognized model code relating to the retrofit of existing buildings or substantially equivalent standards.

(b) Structural evaluations made pursuant to this section shall be made by an architect as defined in Section 5500 of the Business and Professions Code, or a civil or structural engineer registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or staff of the enforcing agency, as described in Section 17960, supervised by an architect or civil or structural engineer authorized by this subdivision to make the structural evaluations.

Added Stats 1979 ch 510 § 2. Amended Stats 1989 ch 756 § 1; Stats 2005 ch 525 § 2 (AB 304), effective January 1, 2006; Stats 2006 ch 538 § 375 (SB 1852), effective January 1, 2007.

§ 19162. Building retrofit standards

(a) Notwithstanding the provisions of Section 19100 or 19150 or any other provision of law, the governing body of any city, city and county, or county may, by ordinance, establish building seismic retrofit standards applicable to the seismic retrofit of any buildings identified pursuant to paragraph (1) of subdivision (a) of Section 19161 by the city, city and county, or county as being potentially hazardous to life in the event of an earthquake.

(b)(1) Notwithstanding the provisions of Section 19100, 19150, or any other provision of law, the governing body of any city, city and county, or county may, by ordinance, establish building seismic retrofit standards applicable to the seismic retrofit of any buildings identified pursuant to paragraph (2) of subdivision (a) of Section 19161 by the city, city and county, or county as being potentially hazardous to life in the event of an earthquake. Any standards established pursuant to this section shall apply until the effective date of building standards adopted by the California Building Standards Commission relating to the retrofit of existing buildings, if any, at which time the standards adopted by the commission as amended by the city, county, or city and county pursuant to Section 17958.5 shall apply.

(2) A local ordinance establishing building seismic retrofit standards applicable to soft story residential structures adopted before January 1, 2006, shall remain in full force and effect until the effective date of building standards adopted by the California Building Standards Commission relating to the retrofit of existing buildings unless the city, county, or city and county after January 1, 2006, adopts an ordinance pursuant to paragraph (1).

(c) Building seismic retrofit standards adopted pursuant to this section may be applied uniformly throughout the city, city and county, or county, or may be applied in specific areas designated by the city, city and county, or county.

(d) For purposes of this chapter, “seismic retrofit” means either structural strengthening or providing the means necessary to modify the seismic response that would otherwise be expected by an existing building during an earthquake, to significantly reduce hazards to life and safety while also providing for the substantial safe ingress and egress of the building occupants immediately after an earthquake.

Added Stats 1979 ch 510 § 2. Amended Stats 2005 ch 525 § 3 (AB 304), effective January 1, 2006.

§ 19163. Local ordinances

Any local ordinance adopted pursuant to Section 19162 shall require the following:

(a) Any seismic retrofit of any building identified pursuant to paragraph (1) of subdivision (a) of Section 19161 as being hazardous to life in the event of an earthquake shall provide for the reasonable adequacy of all of the following:

(1) Unreinforced masonry walls to resist normal and inplane seismic forces.

(2) The anchorage and stability of exterior parapets and ornamentation.

(3) The anchorage of unreinforced masonry walls to the floors and roof.

(4) Floor and roof diaphragms.

(5) The development of a complete bracing system to resist earthquake forces.

(b) Any seismic retrofit of any building identified pursuant to paragraph (2) of subdivision (a) of Section 19161 as potentially hazardous shall comply with a nationally recognized model code relating to the retrofit of existing buildings or substantially equivalent standards. If the city, county, or city and county adopts local amendments to those provisions, it shall determine that the amendments are consistent with Section 17958.5.

(c) Seismic retrofit of any building or portions of any building shall be designed to resist and withstand the seismic forces from any direction as set forth in the building seismic retrofit standards using the allowable working stresses adopted pursuant to this article.

(d) The governing board of any city, city and county, or county may establish, by ordinance, standards and procedures to fulfill the intent of paragraph (2) of subdivision (a) without regard to the remainder of the requirements specified above.

Added Stats 1979 ch 510 § 2. Amended Stats 2005 ch 525 § 4 (AB 304), effective January 1, 2006.

§ 19163.5. Structures needed for emergency purposes

Except as otherwise provided in Chapter 1 (commencing with Section 129675) of Part 7 of Division 107, an ordinance adopted by a city, city and county, or county pursuant to Section 19163, may establish higher standards for the seismic retrofit of those structures or buildings which are needed for emergency purposes after an earthquake in order to preserve the peace, health, and safety of the general public, including, but not limited to, hospitals and other medical facilities having surgery or emergency treatment areas, fire and police stations, government disaster operations centers, and public utility and communication buildings deemed vital in emergencies.

Added Stats 1979 ch 510 § 2. Amended Stats 2005 ch 525 § 5 (AB 304), effective January 1, 2006; Stats 2006 ch 890 § 11 (SB 286), effective January 1, 2007.

§ 19164. Allowable working stresses

Any city, city and county, or county may assign allowable working stresses to existing materials based on substantiating research data or engineering judgment. Such allowable working stresses shall be limited by a safety

factor which is reasonably commensurate with the importance of the element in which the material is used. In the event the local jurisdiction does not have the ability to assign such allowable working stresses, it may employ as a consultant the office of the State Architect. Allowable working stresses prepared by the office of the State Architect for any city, city and county, or county shall be subject to approval by the Seismic Safety Commission.

Added Stats 1979 ch 510 § 2.

§ 19165. Filing building retrofit standards

Any city, city and county, or county adopting an ordinance establishing building seismic retrofit standards for seismically hazardous buildings shall file for informational purposes with the Department of Housing and Community Development a copy of those standards and all subsequent amendments.

Added Stats 1979 ch 510 § 2. Amended Stats 2005 ch 525 § 6 (AB 304), effective January 1, 2006; Stats 2006 ch 538 § 376 (SB 1852), effective January 1, 2007.

§ 19166. Buildings retrofitted in compliance with standards

Any building identified as being a seismic hazard to life and retrofitted in compliance with building seismic retrofit standards adopted pursuant to this article and properly maintained, shall not, within a period of 15 years, be identified as a seismic hazard to life pursuant to any local building standards adopted after the date of the building seismic retrofit unless the building no longer meets the seismically hazardous building retrofit standards under which it was retrofitted.

Added Stats 1979 ch 510 § 2. Amended Stats 2005 ch 525 § 7 (AB 304), effective January 1, 2006.

§ 19167. No liability for damages due to earthquake

No city, city and county, or county, nor any employee of any such entity, shall be liable for damages for injury to persons or property, resulting from an earthquake or otherwise, on the basis of any assessment or evaluation performed, any ordinance adopted, or any other action taken pursuant to this article, irrespective of whether such action complies with the terms of this article, or on the basis of failure to take any action authorized by this article. The immunity from liability provided herein is in addition to all other immunities of the city, city and county, or county provided by law.

Added Stats 1979 ch 510 § 2. Amended Stats 1979 ch 1131 § 2.

§ 19168. Structures excluded

Nothing in this article shall apply to those buildings and structures governed by the provisions of Chapter 1 (commencing with Section 15000) of Division 12.5 of this code or Article 3 (commencing with Section 39140) of Chapter 2 of Part 23 of the Education Code or Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of the Education Code or any state–owned buildings or structures located in any city, city and county, or county.

Added Stats 1979 ch 510 § 2.

§ 19169. [Repealed]

Added Stats 1979 ch 510 § 2. Repealed Stats 2004 ch 663 § 3 (AB 3033). The repealed section related to the review of reconstruction standards.

Article 5 Violations

§ 19170. Violation of chapter as misdemeanor

Any person who violates, or causes or permits another person to violate, any provision of this chapter is guilty of a misdemeanor.

Enacted Stats 1939 ch 60. Amended Stats 1941 ch 301 § 3.

Article 6 Seismic Gas Shutoff

§ 19180. Legislative findings and declarations

The Legislature finds and declares that:

(a) It is generally accepted that various areas of the state will experience moderate and severe earthquakes in the foreseeable future.

(b) A serious threat to life and property resulting from these earthquakes is the threat of fire resulting from earthquake damage.

(c) In order to mitigate, as much as possible, the effects of a major earthquake, including fire resulting from an earthquake, local governments should be authorized to adopt ordinances requiring installation of earthquake sensitive gas shutoff devices in buildings.

Added Stats 1980 ch 971 § 1. Amended Stats 1996 ch 152 § 1 (SB 577), effective July 12, 1996.

§ 19181. Ordinances

Notwithstanding any other provision of law, the governing body of any city, county, or city and county may enact an ordinance requiring the installation of earthquake sensitive gas shutoff devices in buildings open to the public. Any ordinance adopted pursuant to this section shall conform to standards adopted by the State Architect pursuant to Section 19182.

Added Stats 1980 ch 971 § 1. Amended Stats 1996 ch 152 § 2 (SB 577), effective July 12, 1996.

§ 19182. Standards

(a) The State Architect shall adopt standards governing earthquake sensitive gas shutoff devices for installation in buildings. These standards shall reasonably provide for convenient installation and maintenance of gas shutoff devices, as well as maintaining the safety of persons occupying buildings equipped with such devices.

(b) In adopting standards pursuant to this section, the State Architect shall consider standards for such devices developed by the Z–21 American National Standards Committee and the comments or suggestions from various public utilities.

Added Stats 1980 ch 971 § 1. Amended Stats 1996 ch 152 § 3 (SB 577), effective July 12, 1996.

§ 19183. Certification

Manufacturers of earthquake sensitive gas shutoff devices or other devices required by an ordinance adopted pursuant to Section 19182 shall first obtain certification, pursuant to Article 7 (commencing with Section 19200), that the device meets the standards established pursuant to Section 19182.

Added Stats 1980 ch 971 § 1. Amended Stats 1996 ch 152 § 4 (SB 577), effective July 12, 1996; Stats 1997 ch 17 § 65 (SB 947).

Article 7 Seismic Gas Shutoff Devices

§ 19200. Legislative findings and declarations

The Legislature finds and declares that existing law does not require that any new seismic gas shutoff valve sold by any person in this state shall, prior to sale, be certified by the State Architect.

Added Stats 1986 ch 268 § 1.

§ 19201. Definitions

As used in this article:

(a) “Seismic gas shutoff device” means a seismic gas shutoff device installed on customer–owned gas piping certified by the State Architect pursuant to Section 19202. Notwithstanding any other provision of law, “seismic gas shutoff device” does not include any device installed on a gas distribution system owned or operated by a public utility.

(b) “Excess flow gas shutoff device” means a gas shutoff device installed on customer–owned gas piping described in paragraph (2) of subdivision (a) of Section 19202 that has been certified by the State Architect pursuant to that section. Notwithstanding any other provision of law, “excess flow gas shutoff device” shall not include any device installed on a gas distribution system owned or operated by a public utility.

(c) “Customer–owned gas piping” means all parts of the gas piping system downstream of the gas utility point of delivery, including, but not limited to, downstream of the gas utility meter and service tee (also known as a bypass tee).

Added Stats 1986 ch 268 § 1. Amended Stats 1996 ch 152 § 6 (SB 577), effective July 12, 1996; Stats 2002 ch 1051 § 1 (SB 1992).

§ 19201.5. Establishment of certification procedure; Fees

The State Architect shall establish a certification procedure for earthquake sensitive gas shutoff devices and shall establish a fee for the certification. Fees imposed pursuant to this section shall be equal to the costs associated with making the certification and are continuously appropriated to the State Architect for administering the certification program.

Added Stats 1996 ch 152 § 7 (SB 577), effective July 12, 1996.

§ 19202. Certification of seismic gas shutoff devices

The State Architect shall certify seismic gas shutoff devices which, as determined by the State Architect, comply with Chapter 12–23 (commencing with Section 12–23–101) of Part 12 of Title 24 of the California Code of Regulations, and which meet all of the following requirements:

(a)(1) The design of the device shall be operationally simplistic with an integral process design for assuring an optimum level of control and trouble–free functional operation.

(2) Notwithstanding paragraph (1), automatic gas shutoff devices that are not activated by motion, but are activated

by significant gas leaks or overpressure surges, shall be certified by the State Architect, if they otherwise meet the requirements of this section.

(b) The design of the device shall provide a proven method to automatically provide for expedient and safe gas shutoff in an emergency.

(c) The design of the device shall minimize or preclude the disruption to the flow of gas from erroneous vibrations, alien forces, or both erroneous vibrations and alien forces.

(d) The design of the device shall provide a capability for ease of consumer or owner resetting without concern for safety.

(e) The operational and functional design of the device shall be at least equal to the device certified by the State Architect pursuant to Article 6 (commencing with Section 19180).

Added Stats 1986 ch 268 § 1. Amended Stats 1996 ch 152 § 8 (SB 577), effective July 12, 1996.

§ 19203. Certification prior to sale

Any new seismic gas shutoff device sold by any person in this state shall, prior to sale, be certified by the State Architect.

Added Stats 1986 ch 268 § 1. Amended Stats 1996 ch 152 § 9 (SB 577), effective July 12, 1996.

§ 19204. Limitation on applicability of article

This article is limited to the service connections of individual structures to main gas lines and to connections of appliances to gas lines and does not apply to devices within gas lines.

Added Stats 1986 ch 268 § 1. Amended Stats 1996 ch 152 § 10 (SB 577), effective July 12, 1996.

§ 19205. [Section repealed 2008.]

Added Stats 2002 ch 1051 § 2 (SB 1992). Repealed Stats 2007 ch 596 § 8 (AB 382), effective January 1, 2008. The repealed section related to proposal to require installation of seismic gas shutoff devices or excess flow gas shutoff devices.

Article 8 Water Heater Strapping And Installation

§ 19210. Legislative findings and declarations; Goal

(a) The Legislature finds and declares that there exists a serious threat of fire, explosion, or electrocution to the people of California from water heaters that overturn or experience damage to the plumbing or electrical wiring during an earthquake, and that a large number of structures will suffer damage from water heaters due to the lack of adequate strapping or bracing.

(b) The Legislature further finds and declares that it is the goal of the State of California to reduce earthquake hazards in this state.

(c) The Legislature further finds and declares that the original state policy goal of having all water heaters strapped or properly anchored by the year 2000 has not been achieved, thereby exposing the residents of California to a continuing serious risk of injury or damage from water heaters overturned or demolished during earthquakes.

(d) The Legislature further finds and declares that occupants of rental housing in this state are vulnerable to the threat of fire, explosion, or electrocution from water heaters that overturn or experience damage during an earthquake, and are not authorized to strap, brace, or anchor water heaters in their units without the owner's advance approval, thus exposing them to hazardous conditions that they cannot mitigate.

(e) It is the intent of the Legislature that compliance with Section 19211 shall not result in the displacement of existing households.

Added Stats 1989 ch 951 § 1. Amended Stats 2003 ch 581 § 1 (AB 1576).

§ 19211. Requirements

(a) Notwithstanding Section 19100, all new and replacement water heaters, and all existing residential water heaters, shall be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. At a minimum, any water heater shall be secured in accordance with the California Plumbing Code, or modifications made thereto by a city, county, or city and county pursuant to Section 17958.5.

(b) The seller of any real property containing a water heater shall certify to the prospective purchaser that this section has been complied with. This certification shall be made in writing, and may be included in existing transactional documents, including, but not limited to, the Homeowner's Guide to Earthquake Safety published pursuant to Section 10149 of the Business and Professions Code, a real estate sales contract or receipt for deposit, or a transfer disclosure statement pursuant to Section 1102.6 or 1102.6a of the Civil Code.

(c) An owner of a residential rental property shall not evict any person on the basis that the eviction is required in order to comply with this section.

(d) For the purposes of subdivision (a), "water heater" means any standard water heater with a capacity of not more than 120 gallons for which a preengineered strapping kit is readily available.

(e) Notwithstanding Section 669 of the Evidence Code, the failure of any person to comply with this section shall not create a presumption of a failure by that person to exercise due care.

(f) Any building or portion thereof, including any dwelling unit, guestroom, suite of rooms, or portions thereof, or the premises on which it is located is deemed to be a nuisance if it is in violation of this section. The owner or the owner's agent shall have the right to correct any violation of subdivision (a) pursuant to Section 17980.

Added Stats 1989 ch 951 § 1. Amended Stats 1995 ch 98 § 1 (SB 304); Stats 1996 ch 152 § 11 (SB 577), effective July 12, 1996; Stats 2003 ch 581 § 2 (AB 1576).

§ 19212. Required statement in installation instructions

All water heaters manufactured for sale in California on or after July 1, 1991, shall include a statement in the installation instructions that water heater units must be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. The instructions provided by the manufacturer may include a reproduction of the generic installation instructions and standard details as prepared by the Division of the State Architect in accordance with Section 19215.

Added Stats 1989 ch 951 § 1. Amended Stats 2003 ch 581 § 3 (AB 1576).

§ 19213. Warning on instruction label

Manufacturers shall add language to their instruction label on the front of the water heater that discloses the danger of falling or horizontal displacement due to an earthquake. The label shall contain the following language:

WARNING: THIS WATER HEATER MUST BE BRACED, ANCHORED, OR STRAPPED TO AVOID FALLING OR MOVING DURING AN EARTHQUAKE. SEE INSTRUCTIONS FOR CORRECT INSTALLATION PROCEDURES.

Added Stats 1989 ch 951 § 1. Amended Stats 2003 ch 581 § 4 (AB 1576).

§ 19214. Violations

Any person who violates Section 19212 or 19213 shall be deemed to have violated a provision of Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code.

Added Stats 1989 ch 951 § 1.

§ 19215. Preparation of generic installation instructions

The Division of the State Architect shall prepare generic installation instructions with standard details illustrating the strapping, bracing, and anchoring of water heaters for typical installations in single–family homes that comply with the requirements of the model codes. These details shall be made available for reproduction to manufacturers and appliance retailers at a cost to cover the state's cost to prepare the details, and respond to requests.

Added Stats 1989 ch 951 § 1. Amended Stats 2003 ch 581 § 5 (AB 1576).

§ 19216. Provision of generic installation instructions to consumers

At the point of sale, the retailer may provide the consumer with generic installation instructions with standard details approved by the Division of the State Architect. If provided, these generic instructions are intended to be provided to the consumer as a guide, and are not intended to supersede local codes. The retailer and manufacturer are deemed not to be liable for the generic instructions provided to consumers as long as these have been approved by the Division of the State Architect, as complying with the requirements of the model code in force on the date of approval.

Added Stats 1989 ch 951 § 1. Amended Stats 2003 ch 581 § 6 (AB 1576).

§ 19217. Educational program

The Public Utilities Commission shall direct the investor owned gas and electrical utilities, not later than January 1, 1991, to develop an educational program for bracing, anchoring, and strapping water heaters to resist falling or horizontal displacement due to earthquakes.

Added Stats 1989 ch 951 § 1.

Laws and Regulations
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Earthquake Protection Law — Regulations

Title 25. Housing and Community Development

EARTHQUAKE PROTECTION LAW—REGULATIONS

EARTHQUAKE PROTECTION LAW—REGULATIONS

Title 25. HOUSING AND COMMUNITY DEVELOPMENT

Division 1. HOUSING AND COMMUNITY DEVELOPMENT

Chapter 1. STATE HOUSING LAW REGULATIONS AND EARTHQUAKE PROTECTION LAW REGULATIONS

Subchapter 2. EARTHQUAKE PROTECTION LAW REGULATIONS

§ 500. Administration and Enforcement Fees

General. The Earthquake Protection Law is set forth in the Health and Safety Code, Division 13, Part 3 (Sections 19100-19170). Any person submitting an application for a permit to construct shall pay appropriate fees as set forth in Section 20 of Title 25, Part 1, Chapter 1, Subchapter 2, California Administrative Code.

AUTHORITY:
Note: Authority cited: Section 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code (State Housing Law) and Sections 19124 and 19132.5, Health and Safety Code.
HISTORY:
1. New subchapter filed 7-24-70 as an emergency; effective upon filing (Register 70, No. 30).
2. Certificate of Compliance–Government Code Section 11422.1, filed 11-9-70 (Register 70, No. 46).
3. Amendment and renumbering of Section 1210 to Section 500 filed 8-27-80 as procedural and organizational; effective upon filing (Register 80, No. 35).
4. Amendment filed 11-25-80 as procedural and organizational; effective upon filing (Register 80, No. 48).

Laws and Regulations
2014 Edition

Mobilehome Residency Law & Recreational Vehicle Park Occupancy Law

Civil Code

MOBILEHOME RESIDENCY LAW & RECREATIONAL VEHICLE PARK OCCUPANCY LAW

Civil Code
Division 2 Property
Part 2 Real or Immovable Property
Title 2 Estates in Real Property
Chapter 2.5 Mobilehome Residency Law

MOBILEHOME RESIDENCY LAW & RECREATIONAL VEHICLE PARK OCCUPANCY LAW

CIVIL CODE

Division 2 PROPERTY

Part 2 REAL OR IMMOVABLE PROPERTY

Title 2 ESTATES IN REAL PROPERTY

Chapter 2.5 MOBILEHOME RESIDENCY LAW

Article 1 General

§ 798. Citation of chapter

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

Added Stats 1978 ch 1035 § 4. Amended Stats 1992 ch 958 § 1 (SB 1655), effective September 26, 1992.

§ 798.1. Definitions

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

Added Stats 1978 ch 1031 § 1.

§ 798.2. "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 Stats 1978 ch 1031 § 1.

§ 798.3. "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).

Added Stats 1978 ch 1033 § 2. Amended Stats 1980 ch 502 § 1; Stats 1982 ch 419 § 1; Stats 1983 ch 1124 § 1, operative July 1, 1984; Stats 1992 ch 958 § 2 (SB 1655), effective September 26, 1992; Stats 1993 ch 666 § 1 (AB 503); Stats 2005 ch 595 § 1 (SB 253), effective January 1, 2006.

§ 798.4. "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 Stats 1978 ch 1031 § 1.

§ 798.6. "Park"

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

Added Stats 1978 ch 1031 § 1 as § 798.5. Renumbered CC § 798.8 by Stats 1980 ch 502 § 5. Amended Stats 1993 ch 858 § 1 (AB 2177); Stats 2007 ch 596 § 1 (AB 382), effective January 1, 2008.

§ 798.7. "New construction"

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

Added Stats 1989 ch 412 § 1.

§ 798.8. "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.

Added Stats 1978 ch 1031 § 1 as CC § 798.6. Renumbered CC § 798.12 by Stats 1980 ch 502 § 6. Amended Stats 1982 ch 1397 § 1.

§ 798.9. "Homeowner"

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

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 2.

§ 798.10. "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.

Added Stats 1979 ch 945 § 1. Amended Stats 1980 ch 137 § 1.

§ 798.11. "Resident"

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

Added Stats 1978 ch 1031 § 1 as CC § 798.7. Renumbered CC § 798.10 by Stats 1980 ch 502 § 7. Amended Stats 1981 ch 714 § 50; Stats 1982 ch 1397 § 3.

§ 798.12. "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.

Added Stats 1978 ch 1031 § 1 as § 798.8. Amended Stats 1978 ch 1033 § 3. Renumbered by Stats 1980 ch 502 § 8. Amended Stats 1982 ch 1397 § 4.

§ 798.13. Application of chapter

(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 Stats 2000 ch 471 § 1 (AB 2008).

§ 798.14. Delivery of required notices

(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 the sections under which the notices are given.

Added Stats 1988 ch 301 § 1. Amended Stats 2012 ch 478 § 1 (AB 2150), effective January 1, 2013.

Article 2 Rental Agreement

§ 798.15. Required provisions; Incorporation by reference of chapter

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 shall 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)

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 4; Stats 1980 ch 137 § 2; Stats 1981 ch 667 § 1; Stats 1982 ch 1397 § 5; Stats 1983 ch 519 § 1; Stats 1987 ch 126 § 1; Stats 1993 ch 666 § 2 (AB 503); Stats 2010 ch 90 § 1 (AB 2120), effective January 1, 2011; Stats 2012 ch 478 § 2 (AB 2150), effective January 1, 2013 .

§ 798.16. Rules and regulations included in agreement; Copy to homeowner

(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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 5; Stats 1981 ch 667 § 2; Stats 2004 ch 302 § 1 (AB 2351).

§ 798.17. Exemption of certain mobilehomes from rent control; Notice to homeowner; Time for homeowner to respond; Exceptions

(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. This paragraph shall only apply if management provides the homeowner a copy of the signed rental agreement at the time the homeowner returns the signed rental agreement.

(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.

Added Stats 1985 ch 1084 § 1. Amended Stats 1986 ch 1416 § 1; Stats 1990 ch 1013 § 1 (SB 2010), ch 1046 § 2 (SB 2009); Stats 1991 ch 24 § 1 (SB 132), effective May 6, 1991, operative May 10, 1991, ch 170 § 1 (SB 360); Stats 1992 ch 289 § 1 (SB 1454), ch 427 § 11 (AB 3355) (ch 289 prevails); Stats 1993 ch 9 § 1 (SB 6), effective April 28, 1993; Stats 2012 ch 477 § 1 (AB 1938), effective January 1, 2013.

§ 798.18. Term; Charges and fees

(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 rental 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1032 § 2, ch 1033 § 7.5; Stats 1980 ch 206 § 1; Stats 1981 ch 667 § 4; Stats 1982 ch 1397 § 6; Stats 1992 ch 289 § 2 (SB 1454).

§ 798.19. Waiver of homeowner rights void

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 8; Stats 1982 ch 1397 § 7.

§ 798.19.5. Rental agreement not to grant management right of first refusal to purchase mobilehome; Separate agreement not precluded

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 Stats 2005 ch 35 § 1 (SB 237), effective January 1, 2006.

§ 798.20. Discrimination prohibited

(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 4760 of this code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

Added Stats 1978 ch 1031 § 1. Amended Stats 2006 ch 578 § 6 (AB 2800), effective January 1, 2007; Stats 2012 ch 181 § 26 (AB 806), effective January 1, 2013, operative January 1, 2014.

§ 798.21. Exemption

(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 a registered owner through either a surrender of ownership interest by the registered owner or a foreclosure proceeding.

Added Stats 1996 ch 392 § 1 (SB 1181). Amended Stats 2003 ch 132 § 1 (AB 1173).

§ 798.22. Rental of space for recreational vehicles

(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.

Added Stats 1982 ch 1146 § 1. Amended Stats 1993 ch 666 § 3 (AB 503).

§ 798.23. Application of park rules and regulations to owner 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.

Added Stats 1993 ch 520 § 1 (AB 217). Amended Stats 1994 ch 340 § 1; Stats 2002 ch 672 § 1 (SB 1410).

§ 798.23.5. Circumstances where homeowner may rent or sublet primary residence; Approval of prospective renter or sublessee; Limitations on amount of rent charged

(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 Stats 2002 ch 672 § 2 (SB 1410). Amended Stats 2011 ch 296 § 32 (AB 1023), effective January 1, 2012.

Article 3 Rules And Regulations

§ 798.24. Common area facilities

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.

Added Stats 1983 ch 503 § 1. Amended Stats 1994 ch 380 § 1 (SB 1508); Stats 2001 ch 83 § 1 (AB 1202).

§ 798.25. Amendment procedures

(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.

Added Stats 1978 ch 1033 § 10. Amended Stats 1982 ch 1397 § 8; Stats 1983 ch 519 § 2; Stats 1993 ch 102 § 1 (AB 285); Stats 1999 ch 323 § 1 (SB 351); Stats 2004 ch 622 § 1 (SB 1176); Stats 2005 ch 22 § 11 (SB 1108), effective January 1, 2006.

§ 798.25.5. Void and unenforceable rule or regulation

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 Stats 1993 ch 889 § 1 (AB 1012).

§ 798.26. Protection of mobilehome occupant's quiet enjoyment; Right of entry

(a) Except as provided in subdivision (b), the ownership or management of a park shall 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 that 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.

Added Stats 1978 ch 396 § 1 as CC § 789.16. Renumbered by Stats 1978 ch 1033 § 10.5. Amended Stats 1981 ch 667 § 5; Stats 1982 ch 1397 § 9; Stats 1983 ch 519 § 3; Stats 2000 ch 423 § 1 (AB 862); Stats 2004 ch 302 § 2 (AB 2351); Stats 2008 ch 115 § 1 (SB 1234), effective January 1, 2009.

§ 798.27. Notice by management

(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.

Added Stats 1980 ch 864 § 1. Amended Stats 1981 ch 667 § 6; Stats 1982 ch 1397 § 10; Stats 1991 ch 190 § 1 (AB 600).

§ 798.28. Required disclosures

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.

Added Stats 1981 ch 505 § 1. Amended Stats 1982 ch 1397 § 11; Stats 1991 ch 62 § 1 (AB 577).

§ 798.28.5. Removal of vehicle

(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.

Added Stats 1993 ch 32 § 1 (SB 209) as CC § 798.285. Amended and Renumbered Civ C § 798.28.5 by Stats 2004 ch 302 § 3 (AB 2351).

§ 798.29. Posting of ombudsman's name, address, and phone number

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.

Added Stats 1988 ch 333 § 1. Amended Stats 1996 ch 402 § 1 (SB 1594).

§ 798.29.5. [Section renumbered 2010.]

Added Stats 1992 ch 317 § 1 (SB 1389). Renumbered CC § 798.42 by Stats 2009 ch 558 § 1 (SB 111), effective January 1, 2010.

§ 798.29.6. Accomodations for the disabled authorized.

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 Stats 2008 ch 170 § 1 (SB 1107), effective January 1, 2009.

Article 3.5 Fees And Charges

[Added Stats 1978 ch 1031 § 1 as Article 4. Renumbered Stats 2009 ch 558 § 2, effective January 1, 2010.]

§ 798.30. Notice of 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 12; Stats 1993 ch 448 § 1 (AB 870).

§ 798.31. Rent, utilities, and services rendered

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 13; Stats 1984 ch 624 § 1.

§ 798.32. Fees for services actually rendered not listed in rental agreement

(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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 14; Stats 1992 ch 338 § 1 (SB 1365).

§ 798.33. Facilities or services for 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 11; Stats 1982 ch 1397 § 15; Stats 1989 ch 42 § 1; Stats 2000 ch 551 § 1 (AB 860).

§ 798.34. Guests; Provision of live–in health or supportive care

(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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1981 ch 240 § 1; Stats 1982 ch 1397 § 16; Stats 1983 ch 128 § 1; Stats 1990 ch 881 § 1 (SB 2547); Stats 1992 ch 337 § 1 (SB 1314); Stats 1996 ch 157 § 1 (SB 1624); Stats 2008 ch 170 § 2 (SB 1107), effective January 1, 2009.

§ 798.35. Number of members in family

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1980 ch 845 § 1; Stats 1982 ch 1397 § 17; Stats 1995 ch 24 § 1 (AB 283).

§ 798.36. Enforcement of rules and regulations

(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 subdivision (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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 18; Stats 1983 ch 519 § 4; Stats 2005 ch 24 § 1 (SB 125), effective January 1, 2006.

§ 798.37. Entry, installation, hookup, landscaping and maintenance

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1980 ch 845 § 2; Stats 1982 ch 1397 § 19; Stats 1983 ch 519 § 5; Stats 2004 ch 302 § 4 (AB 2351).

§ 798.37.5. Responsibility for trees

(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 3 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.

Added Stats 2000 ch 423 § 2 (AB 862).

§ 798.38. [Section renumbered 2010.]

Added Stats 1978 ch 1031 § 1. Amended Stats 1981 ch 714 § 51; Stats 1982 ch 1397 § 20; Stats 2004 ch 728 § 1 (SB 1163). Amended and renumbered CC § 798.40 by Stats 2009 ch 558 § 3 (SB 111), effective January 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 the management, or upon resale of the mobilehome, whichever occurs earlier, the 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.

Added Stats 1988 ch 59 § 1. Amended Stats 1994 ch 119 § 1 (SB 1386); Stats 2001 ch 151 § 1 (AB 210).

Article 4. Utilities

[Added Stats 2009 ch 558 § 4, effective January 1, 2010. Former Article 4, entitled "Fees and Charges", consisting of §§ 798.30– 798.39, was added Stats 1978 ch 1031 § 1 and renumbered Stats 2009 ch 558 § 2, effective January 1, 2010 to be Article 3.5.]

§ 798.39.5. Prohibition of charge, fee or increase of rent to reflect cost to management of violations of chapter

(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 an 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.

Added Stats 1990 ch 1374 § 1 (SB 2446) as CC § 798.42. Renumbered Stats 2009 ch 558 § 1 (111), effective January 1, 2010. Amended Stats 2012 ch 477 § 2. Effective January 1, 2013.

§ 798.40. Charges per billing period; Posting of ~~prevailing residential utilities rate schedule~~ specific current residential utility rate schedule or Internet Web site address of specific current residential utility rate schedule; Third party billing agent information

(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 ~~prevailing residential utilities~~ 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.

Added Stats 1978 ch 1031 § 1 as CC § 798.38 . Amended Stats 1981 ch 714 § 51; Stats 1982 ch 1397 § 20; Stats 2004 ch 728 § 1 (SB 1163). Renumbered by Stats 2009 ch 558 § 3 (111), effective January 1, 2010; Stats 2013 ch 201 § 1 (SB 196), effective January 1, 2014.

§ 798.41. Utility service fees

(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 fee 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.

Added Stats 1990 ch 1013 § 2 (SB 2010). Amended Stats 1992 ch 160 § 1 (SB 1658), ch 338 § 2 (SB 1365).

§ 798.42. [Section renumbered 2010.]

Added Stats 1990 ch 1374 § 1 (SB 2446). Renumbered to be 798.39.5 by Stats 2009 ch 558 § 1 (111), effective January 1, 2010.

§ 798.43. Disclosure by management of measurement of service for common area facilities by meter on homeowner's site

(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 and 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).

Added Stats 1990 ch 380 § 1 as CC § 798.41 (AB 3259). Amended and renumbered by Stats 1991 ch 1091 § 15 (AB 1487). Amended Stats 1993 ch 147 § 1 (AB 1140).

§ 798.43.1. Duties of management for California Alternate Rates for Energy (CARE) program

(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.

Added Stats 2001 ch 437 § 1 (SB 920).

§ 798.44. Cost of liquefied petroleum gas sold by park management to mobilehome owners or park tenants

(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.

Added Stats 1999 ch 326 § 2 (SB 476). Amended Stats 2000 ch 232 § 1 (SB 1612); Stats 2009 ch 558 § 7 (SB 111), effective January 1, 2010.

Article 4.5 Rent Control

§ 798.45. Exemption of new construction

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 Stats 1989 ch 412 § 2.

§ 798.49. Separate fees, assessments or other charges

(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, 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 798.39.5.

(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.

Added Stats 1992 ch 338 § 3 (SB 1365). Amended Stats 1994 ch 340 § 2 (SB 1510); Stats 2012 ch 770 § 1 (AB 2697), effective January 1, 2013.

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 Stats 1989 ch 198 § 2.

§ 798.51. Right of homeowners to meet in park; Use of community or recreation halls; Speakers; Political canvassing; Campaign signs

(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.

Added Stats 1989 ch 198 § 2. Amended Stats 2001 ch 83 § 2 (AB 1202); Stats 2003 ch 249 § 1 (SB 116).

§ 798.52. Injunctions

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 Stats 1989 ch 198 § 2.

Article 5.5 Homeowners Meetings With Management

§ 798.53. Meetings between homeowners and management

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.

Added Stats 1989 ch 198 § 3. Amended Stats 1994 ch 340 § 3 (SB 1510).

Article 6 Termination Of Tenancy

§ 798.55. Legislative findings; Notice of termination by management; Sale of mobile home by owner authorized

(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 managementmay 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 13; Stats 1979 ch 493 § 1; Stats 1980 ch 1149 § 4; Stats 1982 ch 1397 § 24; Stats 1983 ch 519 § 7, ch 1124 § 2, operative July 1, 1984; Stats 1992 ch 835 § 1 (AB 2715); Stats 1993 ch 666 § 4 (AB 503); Stats 1998 ch 542 § 1 (SB 2095); Stats 2003 ch 561 § 1 (AB 682); Stats 2005 ch 24 § 2 (SB 125), effective January 1, 2006.

§ 798.56. Reasons for termination of tenancy; written notice; cure of default

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 and 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 14; Stats 1979 ch 945 § 2, ch 1185 § 1.5; Stats 1980 ch 1149 § 5; Stats 1981 ch 714 § 52 (ch 458 prevails), ch 458 § 1; Stats 1982 ch 777 § 1, ch 1397 § 25.5; Stats 1983 ch 519 § 8, ch 1124 § 3, operative July 1, 1984; Stats 1987 ch 55 § 1, ch 883 § 2; Stats 1988 ch 171 § 1, ch 301 § 2.5; Stats 1990 ch 42 § 1 (AB 1209), ch 1357 § 1.5 (AB 4156); Stats 1998 ch 427 § 1 (AB 1888); Stats 2003 ch 85 § 1 (AB 805), ch 388 § 1.5 (AB 767).

§ 798.56a. Notice by owner or junior lienholder following notice of termination of tenancy; Retention of mobilehome in park pending sale to third party

(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 the management pursue the 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) 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.

(f) All written notices required by this section 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.

Added Stats 1990 ch 1357 § 2 (AB 4156). Amended Stats 1992 ch 88 § 1 (AB 2548), ch 835 § 2 (AB 2715); Stats 1996 ch 95 § 1 (AB 2781); Stats 1998 ch 542 § 2 (SB 2095); Stats 2010 ch 610 § 1.6 (AB 2762).

§ 798.57. Reason to be included 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.

Added Stats 1978 ch 1031 § 1.

§ 798.58. Making site available for purchaser of mobilehome

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 26; Stats 2002 ch 672 § 3 (SB 1410).

§ 798.59. Notice to management by homeowner

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

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 27.

§ 798.60. Proceeding for obtaining possession

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 15.

§ 798.61. Abandoned mobilehomes; Notice; Petition for declaration of abandonment; Hearing; Sale

(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.

(2) For purposes of 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 that cannot be rehabilitated, if the mobilehome also satisfies the requirements of paragraph (1).

(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) Thirty or more days following posting pursuant to subdivision (b), the management may file a petition in thesuperior 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.

(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, 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)(1) 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) 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).

(3) At any time prior to the sale of a mobilehome under this section, any person having a right to possession of the 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 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) Following the judgment of abandonment, but not less than 10 days following the notice of sale specified in subdivision (e), the management may conduct a public sale of the abandoned mobilehome and its contents. 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) 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).

(h) The management shall provide the purchaser at the sale 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. 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 and Safety Code, in the abandoned mobilehome.

Added Stats 1986 ch 1153 § 1. Amended Stats 1988 ch 301 § 3; Stats 1991 ch 564 § 1 (AB 743); Stats 1995 ch 446 § 1 (SB 69); Stats 1998 ch 931 § 12 (SB 2139), effective September 28, 1998; Stats 2003 ch 449 § 2 (AB 1712).

Article 7 Transfer Of Mobilehome Or Mobilehome Park

§ 798.70. Advertisement for sale, exchange or rent

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 17; Stats 1982 ch 1397 § 28; Stats 1986 ch 174 § 1; Stats 1989 ch 745 § 1; Stats 1993 ch 329 § 1 (SB 293).

§ 798.71. Showing or listing for sale; Use of specific broker or dealer not required

(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.

(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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1346 § 1; Stats 1983 ch 1076 § 1; Stats 1988 ch 498 § 1; Stats 1989 ch 745 § 2; Stats 2003 ch 767 § 1 (AB 1287); Stats 2004 ch 567 § 1 (SB 1090).

§ 798.72. Charging of fee for performance of services by management

(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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1982 ch 1397 § 29; Stats 1988 ch 498 § 2; Stats 1989 ch 745 § 3.

§ 798.73. Removal from park during term of rental agreement

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.

Added Stats 1978 ch 1034 § 2. Amended Stats 1982 ch 1392 § 1, ch 1397 § 30.5; Stats 1991 ch 576 § 1 (AB 932); Stats 1994 ch 729 § 1 (AB 3203); Stats 1997 ch 367 § 1 (AB 672); Stats 1991 ch 576 § 1 (AB 932); Stats 1994 ch 729 § 1 (AB 3203); Stats 1997 ch 367 § 1 (AB 672); Stats 2003 ch 561 § 2 (AB 682); Stats 2007 ch 549 § 1 (AB 446), effective January 1, 2008; Stats 2008 ch 179 § 28 (SB 1498), effective January 1, 2009.

§ 798.73.5. Mobilehome that will remain in park

(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 Stats 2000 ch 554 § 1 (AB 2239).

§ 798.74. Approval of purchaser by management; Requirement of specification of information; Notification of acceptance or rejection of application

(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.

Added Stats 1978 ch 1031 § 18. Amended Stats 1982 ch 1397 § 31; Stats 1985 ch 76 § 1; Stats 1987 ch 830 § 1; Stats 1988 ch 522 § 1; Stats 1990 ch 645 § 1, (SB 2340).

§ 798.74.4. Transfer disclosure requirements

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 Stats 2003 ch 249 § 2 (SB 116).

§ 798.74.5. "Information for Prospective Homeowners" document to be given upon request for residency application

(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.

Added Stats 2003 ch 767 § 2 (AB 1287), operative October 1, 2004. Amended Stats 2012 ch 337 § 1 (AB 317).

§ 798.75. Attachment of rental agreement or statement

(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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1981 ch 667 § 8; Stats 1983 ch 519 § 9; Stats 1987 ch 323 § 1; Stats 1989 ch 119 § 1; Stats 1990 ch 645 § 2, (SB 2340).

§ 798.75.5. Mobilehome park rental agreement 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:

THIS DISCLOSURE STATEMENT CONCERNS THE MOBILEHOME PARK KNOWN AS

_____ LOCATED AT _____
park name park address

IN THE CITY OF _____ COUNTY OF _____

STATE OF CALIFORNIA.

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE PARK AND PARK COMMON AREAS AS OF _____ IN COMPLIANCE WITH SECTION 798.75.5 OF THE CIVIL CODE.
date

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, earthquake, 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, nonconforming 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 Stats 1999 ch 517 § 1 (SB 534).

§ 798.76. Compliance with regulation limiting residency based on age requirements to older persons

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 Act, as amended by Public Law 104–76, and implementing regulations.

Added Stats 1978 ch 1031 § 1. Amended Stats 1992 ch 182 § 1.5 (SB 1234), ch 666 § 1 (AB 3453); Stats 1993 ch 1277 § 1 (AB 2244); Stats 1996 ch 61 § 1 (SB 1585), effective June 10, 1996.

§ 798.77. Waiver of provisions void

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 19; Stats 1982 ch 1397 § 32; Stats 1983 ch 519 § 10.

§ 798.78. Ownership gained through death

(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 since 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.

Added Stats 1979 ch 198 § 1. Amended Stats 1982 ch 477 § 1, ch 1397 § 32.5; Stats 1989 ch 745 § 4.

§ 798.79. Right of resale by legal owner or junior lienholder; Homeowner's responsibilities

(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 of 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.

Added Stats 1979 ch 1185 ch 1185 § 2. Amended Stats 1982 ch 1397 § 33.5; Stats 1983 ch 1124 § 4, operative July 1, 1984; Stats 1990 ch 1357 § 3 (AB 4156); Stats 1991 ch 190 § 2 (AB 600).

§ 798.80. Notice to resident organization that mobilehome park is for sale

(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 and 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 the 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.

Added Stats 1986 ch 648 § 2. Amended Stats 1990 ch 421 § 1 (AB 2944), operative until January 1, 1995; Stats 1994 ch 219 § 1 (SB 1280).

§ 798.81. Listing or sale within park; Management as agent as condition of residency

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.

Added Stats 1988 ch 1033 § 1. Amended Stats 1989 ch 745 § 5.

§ 798.82. Disclosure by management that mobilehome may be subject to school facilities fee

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 Stats 1994 ch 983 § 1 (SB 1461).

§ 798.83. Repairs or improvements to mobilehome park 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 Stats 1997 ch 367 § 2 (AB 672).

Article 8 Actions, Proceedings, And Penalties

§ 798.84. Notice of intention to commence action based on failure to maintain physical improvements in common facilities or reduction in service

(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 Stats 1988 ch 1592 § 1.

§ 798.85. Allowance of attorney 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 Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 21; Stats 1983 ch 519 § 11.

§ 798.86. Award for willful violation in addition to damages; Punitive damages or statutory penalty

(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).

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 22; Stats 1982 ch 1397 § 34; Stats 1983 ch 519 § 12; Stats 1997 ch 141 § 1 (AB 591); Stats 2003 ch 98 § 1 (AB 693).

§ 798.87. Failure of management to maintain facilities as public nuisance; Violations as public nuisance; Remedy; Civil action

(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, this 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.

Added Stats 1982 ch 1392 § 2. Amended Stats 1983 ch 187 § 1; Stats 1990 ch 1374 § 2 (SB 2446); Stats 2002 ch 141 § 1 (AB 2382).

§ 798.88. (First of two; Repealed January 1, 2016) Injunction for violations

(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.

Added Stats 1991 ch 270 § 1 (SB 459). Amended Stats 2012 ch 99 § 1 (AB 2272), effective January 1, 2013, repealed January 1, 2016.

§ 798.88. (Second of two; Operative January 1, 2016) Injunction for violations

(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 Stats 2012 ch 99 § 2 (AB 2272), effective January 1, 2013, operative January 1, 2016.

Article 9 Subdivisions, Cooperatives, And Condominiums

§ 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1979 ch 198 § 2; Stats 1996 ch 61 § 2 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 1 (SB 484).

§ 799.1. Application of article; Ownership and operation by nonprofit mutual benefit corporation

(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, Article 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.

Added Stats 1995 ch 103 § 2 (SB 110). Amended Stats 1996 ch 61 § 3 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 2 (SB 484); Stats 2010 ch 175 § 1 (SB 1047), effective January 1, 2011; Stats 2011 ch 296 § 33 (AB 1023), effective January 1, 2012; Stats 2012 ch 492 § 1 (SB 1421), effective September 23, 2012.

§ 799.1.5. Advertisement for sale or exchange of mobilehome

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.

Added Stats 1978 ch 1031 § 1 as CC § 799.1. Amended Stats 1978 ch 1033 § 23; Stats 1979 ch 198 § 3; Stats 1983 ch 519 § 13. Renumbered by Stats 1995 ch 103 § 1 (SB 110); Stats 2004 ch 302 § 5 (AB 2351); Stats 2005 ch 22 § 12 (SB 1108), effective January 1, 2006.

§ 799.2. Showing or listing for sale

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1979 ch 198 § 4; Stats 1983 ch 519 § 14.

§ 799.2.5. Right of entry by ownership or management

(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.

Added Stats 2004 ch 302 § 6 (AB 2351). Amended Stats 2006 ch 538 § 40 (SB 1852), effective January 1, 2007.

§ 799.3. Removal of mobilehome in event of 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1978 ch 1033 § 24; Stats 1979 ch 198 § 5; Stats 1996 ch 61 § 4 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 3 (SB 484); Stats 1996 ch 61 § 4 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 3 (SB 484).

§ 799.4. 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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1979 ch 198 § 6; Stats 1983 ch 519 § 15; Stats 1996 ch 61 § 5 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 4 (SB 484); Stats 1996 ch 61 § 5 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 4 (SB 484).

§ 799.5. Limitation of residency based on age requirements for older persons

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.

Added Stats 1978 ch 1031 § 1. Amended Stats 1993 ch 1277 § 2 (AB 2244); Stats 1996 ch 61 § 6 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 5 (SB 484).

§ 799.6. Waiver of provisions void

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.

Added Stats 1978 ch 1031 § 1 as CC § 799.8. Amended and renumbered by Stats 1978 ch 1033 § 27. Amended Stats 1983 ch 519 § 16.

§ 799.7. Advance notice of nonemergency interruption in utility service

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 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.

Added Stats 1992 ch 317 § 2 (SB 1389). Amended Stats 1996 ch 61 § 7 (SB 1585), effective June 10, 1996; Stats 1997 ch 72 § 6 (SB 484).

§ 799.8. Disclosure by management that mobilehome may be subject to school facilities fee

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 Stats 1994 ch 983 § 2 (SB 1461).

§ 799.9. Sharing of homeowner's mobilehome with adult caregiver; Sharing of mobilehome in older persons' complex with relative requiring care or supervision

(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. 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 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.Afee 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.

Added Stats 1997 ch 72 § 7 (SB 484). Amended Stats 2008 ch 170 § 3 (SB 1107), effective January 1, 2009

§ 799.10. Display of political campaign sign

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.

Added Stats 2003 ch 249 § 3 (SB 116). Amended Stats 2012 ch 181 § 27 (AB 806), effective January 1, 2013, operative January 1, 2014.

§ 799.11. Accommodations for the disabled authorized

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 Stats 2008 ch 170 § 4 (SB 1107), effective January 1, 2009.

Chapter 2.6 RECREATIONAL VEHICLE PARK OCCUPANCY LAW

Article 1 Definitions

§ 799.20. Citation of chapter

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

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.21. Governing definitions

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

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.22. "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.

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.23. "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).

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.24. "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.

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.25. "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.

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.26. "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.

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.27. "Occupancy"; "Occupy"

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

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.28. "Occupant"

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

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.29. "Recreational vehicle"

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

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.30. "Recreational vehicle park"; "Park"

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

Added Stats 1992 ch 310 § 2 (AB 3074). Amended Stats 2004 ch 530 § 1 (AB 1964).

§ 799.31. "Resident"

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

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.32. "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 Stats 1992 ch 310 § 2 (AB 3074).

Article 2 General Provisions

§ 799.40. Cumulative nature of 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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.41. Application 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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.42. 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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.43. Registration agreement requirements

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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.44. Copy to be given to occupant at registration

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

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.45. Offer of rental agreement

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.

Added Stats 1992 ch 310 § 2 (AB 3074).

§ 799.46. Sign indicating reasons for removal of recreational vehicle from premises

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.

Added Stats 1992 ch 310 § 2 (AB 3074). Amended Stats 2004 ch 530 § 2 (AB 1964).

Article 3 Defaulting Occupants

§ 799.55. Notice prerequisite to removal of defaulting occupant's vehicle

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.

Added Stats 1992 ch 310 § 2 (AB 3074). Amended Stats 2004 ch 530 § 3 (AB 1964).

§ 799.56. Service of notice; Curing default

(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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.57. Contents of notice

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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.58. Removal of vehicle; Duration of notice

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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.59. Care required for 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 Stats 1992 ch 310 § 2 (AB 3074).

Article 4 Defaulting Tenants

§ 799.65. Termination for nonpayment of charges; Notice; Curing default

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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.66. Termination or refusal to renew for other reasons

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 the tenancy.

Added Stats 1992 ch 310 § 2 (AB 3074). Amended Stats 1994 ch 167 § 1 (SB 1349).

§ 799.67. Eviction requirements

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 Stats 1992 ch 310 § 2 (AB 3074).

Article 5 Defaulting Residents

§ 799.70. Notice of termination or refusal to renew right of occupancy

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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.71. Eviction requirements

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 Stats 1992 ch 310 § 2 (AB 3074).

Article 6 Liens For Recreational Vehicles And Abandoned Possessions

§ 799.75. Nature of lien; Disposition of abandoned possessions

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 Stats 1992 ch 310 § 2 (AB 3074).

Article 7 Actions And Proceedings

§ 799.78. Attorney 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 Stats 1992 ch 310 § 2 (AB 3074).

§ 799.79. Damages for willful violation

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 Stats 1992 ch 310 § 2 (AB 3074).