

**FINAL STATEMENT OF REASONS
REGARDING
FIRE HYDRANT TEST AND CERTIFICATION
MOBILEHOME PARK PROGRAM
CHAPTER 2. MOBILEHOME PARKS ACT
SUBCHAPTER 1. MOBILEHOME PARKS
ARTICLE 6. FIRE PROTECTION STANDARDS FOR MOBILEHOME PARKS**

UPDATES TO THE INITIAL STATEMENT OF REASONS

As mandated by Section 18691 of the Health and Safety Code, the original purpose of the proposed regulations was to establish procedures for testing fire hydrants in mobilehome parks. As mandated by Section 18691 of the Health and Safety Code, these procedures were developed in consultation with local fire agencies.

A Notice of Proposed Action pertaining to the FIRE HYDRANT TEST AND CERTIFICATION regulations was mailed on July 27, 2001, Public Hearings held on September 10 and 11 of 2001, and written comments received until 5:00 p.m. September 17, 2001. As a result of public comments received, the Department is proposing modifications to the originally proposed text. These modifications were intended, in part, to:

- reduce confusion over compliance with the installation requirements of the National Fire Protection Association;
- clarify which fire hydrants are required to be tested in a park; and
- provide alternatives for parks with hydrants that cannot meet the minimum requirements.

In addition, the modifications incorporated a more functional display of the requirements for private fire hydrants. Many of the requirements had been awkwardly bundled in sections. The sections were separated to more clearly establish requirements such as requirements for documenting test results, requirements for private fire hydrants with violations, and requirements for parks with private fire hydrants to obtain a permit to operate.

**COMMENT PERIOD FROM AUGUST 3, 2001 TO SEPTEMBER 17, 2001
ORIGINALLY PROPOSED REGULATIONS**

COMMENTS # 1. TERRY ALEXANDER, OWNER, SHADY LAKES MOBILE HOME PARK

WRITTEN COMMENTS FROM COMMENTER #1

COMMENT 1: “Consideration should be given to restricting this proposed new law to mobile home parks that are on public water systems and have a reliable source of water available and under pressure that will meet firefighting requirements.”

RESPONSE: The request to limit the regulations to mobilehome parks with adequate water supply would defeat the purpose of these regulations. As mandated by legislation, the purpose is to ensure the safety of the occupants of a park. This mandate applies to occupants of all parks, regardless of the source of water. If a park does not meet the requirements of these regulations, the park owner/operator may apply for a waiver from the fire agency responsible for fire suppression in that park to continue to use the existing fire hydrant.

COMMENT 2: “I believe reasonable consideration should be given to existing fire prevention practices for manufactured home communities not on public water systems. Rural mobile home parks on well systems were at one time required to install fire hydrants even though the well and water pressure systems would not meet the pumping requirements to protect residents and firefighters.”

RESPONSE: The request to limit the testing and certification to a hydrant with public water supply would defeat the purpose of these regulations. As mandated by legislation, the purpose is to ensure the safety of the occupants of a park. This mandate applies to occupants of all parks, regardless of the source of water. If a park does not meet the requirements of these regulations, the park owner/operator may apply for a waiver from the fire agency responsible for fire suppression in the park to continue to use the existing fire hydrant.

COMMENT 3: “The State [should] to agree to pay the cost of connecting these communities to the nearest public water systems to insure adequate availability of both water and pressure sufficient to operate a hydrant based system.”

RESPONSE: This alternative, the State of California paying the cost to connect to the nearest public water supply, is beyond the authority of the Department.

COMMENT 4: “Your proposed law could mean that rural parks on well systems might have to drill deeper wells or, if the pumping rates cannot be met to achieve flow specifications, face extraordinarily prohibitive costs to connect to a public water supply. What will the requirement be if public water and ground water is not available or the park owner cannot afford to meet the new specifications? Will the park owner be shut down and driven into bankruptcy? Will the residents be forced to remove their homes from the park? Will the State pay for their relocation or will they merely be cast out?”

RESPONSE: The Department cannot speculate on the outcome of tests on private fire hydrants in parks on well systems. The purpose of these regulations, as mandated by legislation, is to ensure the safety of the occupants of a park. This mandate applies to occupants of all parks, regardless of the source of water. If a park does not meet the requirements of these regulations, it may apply for a waiver from the fire agency responsible for fire suppression in that park to continue to use the existing fire hydrant.

COMMENT 5: “If the local fire departments traditionally respond to these fires with their own water and pumping equipment, they should be allowed to continue, and these mobile home parks should be exempted from installing new water systems capable of meeting the specified regulations. “

RESPONSE: The Department has withdrawn the changes to Section 1300 regarding installation requirements. If a park does not meet the testing and certification requirements of these regulations, the owner may apply for a waiver from the fire agency responsible for fire suppression in that park to continue to use the existing fire hydrant.

COMMENTS #2. ANTHONY WINDLE, HEAVENLY OAKS RESIDENTIAL COMMUNITY, LLC

WRITTEN COMMENTS FROM COMMENTER #2

COMMENT 1: “Checking the Park’s fire hydrants should not be the responsibility of Park owners/operators. Operators of parks are not qualified to determine if a fire hydrant has the appropriate flow. It would be ineffective to have a park employee verify that "water comes out" of a fire hydrant. It is very difficult to visually determine the flow rate of the water that is coming out of a fire hydrant. In many cases determining the flow rate would require special equipment and should be done by a professional.”

RESPONSE: The park owner/operator is responsible for ensuring that a private fire hydrant in the park is operational and meets water flow requirements. The Department agrees that a park owner/operator is not qualified to test the fire hydrants; that is why the regulations state that licensed fire protection contractors, fire agencies, local water suppliers, or licensed fire protection engineers must certify the test for flow and inspection of hydrants.

COMMENT 2: “The local fire protection agency should be required to perform the inspections of the fire hydrants.”

RESPONSE: It is beyond the authority of the Department to mandate that a local fire protection agency perform an inspection on, or test, a private fire hydrant. However, the regulations do provide that a fire agency may perform the test.

COMMENT 3: “Most parks have fire extinguishers that a fire marshal comes and inspects annually. It would be cost effective to have the hydrant inspection done at the same time.”

RESPONSE: The Department agrees, that at the time of one inspection at a park, the other inspection could occur as well. Arrangements for testing are up to the park operator. We encourage this coordination.

COMMENT 4: “Having a fire marshal inspect the hydrants would ensure that they are working up to the standards that the local fire protection agency requires. The added cost to have these inspections performed by a knowledgeable person would be insignificant in comparison to the cost of a life as the result of a fire hydrant being inspected by an inexperienced manager or park employee.”

RESPONSE: It is beyond the authority of these regulations to mandate the activity of a fire protection agency. However, in order to assure that private fire hydrants are in compliance, the regulations provide that private fire hydrant testing and certification will be witnessed, if not performed, by qualified personnel.

COMMENTS #3. STEVE DOUGLAS, PARK OWNER, SOQUEL GLEN MOBILEHOME PARK

WRITTEN COMMENTS FROM COMMENTER #3

COMMENT 1: “While I am in favor of the upgrading of the requirements on fire safety, I feel that in many mobilehome parks there are not the resources to comply with the installation of a new system. To comply to[with] the 1995 code of NFPA there are minimum requirements, for water systems supplying hydrants, types of hydrants, and even the paint color as to designate code types. Many of the older, smaller, and rural Parks have water lines far smaller than required to supply regulation hydrants. Also many of the Parks are on wells further limiting the water supply in case of a fire. These smaller systems in many cases have fire standpipes, of 2 inches or less of which most fire trucks cannot hook up because of the nonstandard threaded attachments.”

RESPONSE: Mr. Douglas’ concerns with the installation requirements have been met by the proposed changes to existing Section 1300, regarding installation requirements.

COMMENT 2: “Another concern is the installation of new homes, under the new code these may come under the regulation of interior sprinklers. Again a great safety addition to any home, but costly. If sprinklers are required the cost of new mobilehomes could be substantially increased. If a dedicated line has to be provided to each lot then there may also be a substantial cost. I feel that that your cost analysis of 'no adverse economic impact' on businesses and private persons could be in error.”

RESPONSE: The proposed regulations do not involve the regulation of interior sprinklers; proposed changes involving fire hydrant installation requirements in Section 1300 have been withdrawn.

COMMENT 3: “While I encourage the upgrading of fire protection in mobilehome parks, I am also concerned about the costs that could be required by all.”

RESPONSE: The Department has withdrawn the proposed changes to existing Section 1300 regarding fire hydrant installation requirements. There are no requirements for installation of new hydrant systems, or upgrades to existing systems in these regulations.

COMMENTS #4. JAMES SANDERS BOARD PRESIDENT, SILVER LAKES ASSOCIATION

WRITTEN COMMENTS FROM COMMENTS #4

COMMENT 1: "I strongly concur with your intent to develop a hydrant testing policy. "

RESPONSE: The Department appreciates Mr. Sanders' support.

COMMENTS #5. HARRY ULLMAN, OWNER OF A COMMUNITY IN SOUTHERN CALIFORNIA

WRITTEN COMMENTS FROM COMMENTS #5

COMMENT 1: "let the cost of these inspections be distributed among the recipients of the benefit. Please make provisions that it be apportioned among the owners of mobile homes/manufactured homes as an annual inspection fee to be added to the resident's bill."

RESPONSE: The suggestion to modify the proposed regulations to include the park owner's ability to charge fees already exists in law and is described in Civil Code Division 2, Part 2 Chapter 2.5 Article 4 Sections 798.31 and 798.32. Consequently, fee apportionment is beyond the scope of these regulations.

COMMENTS #6. PAUL FRANCIS, FIRE MARSHALL, CULVER CITY FIRE DEPARTMENT

WRITTEN COMMENTS FROM COMMENTS #6

COMMENT 1: "The Culver City Fire Department is in full support of the California Department of Housing and Community Development's Notice of Proposed Action: Fire Hydrant Testing and Certification."

RESPONSE: The Department appreciates your support. Thank you.

COMMENTS #7. DAVIS LLOYD, VICE PRESIDENT, CARLSBERG MANAGEMENT COMPANY

WRITTEN COMMENTS FROM COMMENTS #7

COMMENT 1: "In a park/community that is served by a "Public" water system, it is the governmental/municipal agency that owns, maintains and operates the water system up to the private owner side of a water meter, and any attendant infrastructure including fire hydrants/systems within the overall public system. When ownership of such a system is

accepted by the governmental/municipal agency, the park/community is restricted from tampering with, maintaining, or testing any of the incremental parts thereof.

We respectfully request consideration for exemption from the proposed action, Fire Hydrant Test and Certification of any mobilehome park, special occupancy park, and/or manufactured housing community that is served by "Public" water system."

RESPONSE: Mr. Lloyd's suggestion to exempt "Public" water systems from the testing and certification has been considered. The proposed regulations have been modified to specify that "private" fire hydrants are to be tested and certified, exempting the publicly owned fire hydrants.

COMMENTS #8 DON JORDAN, CMRAA REGIONAL DIRECTOR

WRITTEN COMMENTS FROM COMMENTER #8:

COMMENT 1: Mr. Jordan is concerned that there are "approximately 1000 parks without fire hydrants."

RESPONSE: It is beyond the authority of the Department to require fire hydrant retrofitting in parks with these proposed regulations.

COMMENT 2: "How can we establish inspection programs for systems that do not exist?"

RESPONSE: The proposed regulations require testing and certification of private fire hydrants that are currently installed. The proposed changes involving fire hydrant installation requirements in Section 1300 have been withdrawn.

ORAL COMMENTS FROM COMMENTER # 8:

COMMENTS 3: The oral comments reflect the ideas in written comments submitted. In general the commenter would like the regulations to require retrofitting old parks that do not have hydrant systems, upgrading of older fire hydrant systems, and require coordinating police and fire safety issues within local governments.

RESPONSE TO ORAL COMMENTS: We appreciate your general concerns, but requirements to retrofit, upgrade, and install fire hydrants in parks; and coordination of local government services is beyond the authority of these regulations. The Department appreciates your support.

COMMENTS #9. LARRY ELLIOT, NORTH STATE MANUFACTURED OWNERS AND MANAGERS ASSOCIATION

WRITTEN COMMENTS FROM COMMENTER #9

COMMENT 1: “Water systems are regulated by California's Department of Health Services. If you have a well in our parks, or use any city water district they are controlled by Health Services which licenses the operator.”

RESPONSE: Mr. Elliot is correct in stating that the Department of Health Services (DHS) licenses water systems and regulates minimum standards for materials and design to assure and maintain water availability and potability. However, DHS does not regulate private fire hydrants in parks, which is within the jurisdiction of HCD.

COMMENT 2: “the Department of Health Services should also have been consulted since they also place requirements for our fire hydrants and use different testing in some cases. I do not see any reference to Health Services anywhere in this document.”

RESPONSE: Please see response to comment 1, above.

COMMENT 3: “Standard for installation of Standpipe, Private Hydrants and Hose Systems, 2000 Edition was not considered. My local fire department says it is also applicable. So, we should be given either standard (14 or 24) to meet. NFPA 14 says it is more widely used with a chapter on when and how to test.”

RESPONSE : The proposed changes involving fire hydrant installation requirements in Section 1300 have been withdrawn.

COMMENT 4: “Also you are requiring every park over 15 lots to have fire protection equipment in our parks.”

RESPONSE: The requirement for installation of fire equipment in parks equal to or greater than 15 lots exists in Section 1300 and will remain unchanged. Proposed changes to Section 1300 regarding installation requirements have been withdrawn.

COMMENT 5: “Some wording needs to be added allowing local water districts to provide fire hydrants on roadways outside parks instead of the park installing the fire protection.”

RESPONSE: The proposed changes involving fire hydrant installation requirements in Section 1300 have been withdrawn.

COMMENT 6: “The first sentence "For new park construction or replacement" needs to use the word upgrade instead of replacement. Any replacement in some water/fire districts requires the park already to obtain approval to the latest standards. Or replacement must be defined as replacing with the same equipment and does not incur an upgrade.”

RESPONSE: The requirement for replacement of fire equipment in parks has been removed. Proposed changes to Section 1300 regarding installation and replacement of fire hydrants have been withdrawn.

COMMENT 7: “Most local fire departments also use a different NFPA standard for testing fire hydrants so this standard should be stated.”

RESPONSE: The purpose of this regulatory package is to establish testing requirements for privately owned hydrants in mobilehome parks. These requirements, for testing of privately owned fire hydrants in parks, represent a collective decision of an adequate testing schedule by fire fighting agencies during focus group meetings conducted throughout the state.

COMMENT 8: “Few fire departments, when they realize the state says they can require all the way to current code to obtain our state operating permit, will not approve any alternate plan but only to maximum needed to meet the current code.”

RESPONSE: The Department cannot speculate on the activity of fire departments. If the existing hydrants meet the minimum standards established by these regulations, local fire agencies have no additional power to require retrofitting of private fire hydrants beyond current law.

COMMENT 9: “1302 (c) Any fire agency that takes responsibility will immediately require all parks in their district to meet current codes.”

RESPONSE: Section 1302(d) states that the fire agency can only apply its fire prevention codes to conditions that arise after the adoption of its code. A fire agency is precluded from requiring parks to meet current code once it has assumed responsibility to enforce its fire prevention code unless, in the opinion of the fire chief, a problem constitutes a distinct hazard to life or property.

COMMENT 10: “1302(e)(2) You are allowing a local fire department to use a different standard or their own fire code procedure. This will be a severe detriment to any park in this situation.”

RESPONSE: According to existing law, Section 18691(d) of the Health and Safety Code says City, County, City and County, or special district can assume enforcement responsibilities for certain fire related issues, using their codes. Enforcement of the codes is restricted to conditions that arise after the adoption of the codes, or to conditions that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

COMMENT 11: “1316 (c)(1) Please change riser and barrel to hose outlet as in paragraph (3).“

RESPONSE: The Department consulted with many local fire agencies and it was agreed that, defining the hydrants was best done with riser or barrel size to maintain uniformity, since there are many possible configurations of hose outlets possible.

COMMENT 12: “You can not get 500, 1000, or 1500 GPM through a 4 inch pipe.”

RESPONSE: The Department consulted with many local fire agencies and these agencies agreed that you could reasonably expect to get a flow greater than the 500 GPM minimum required in the proposed regulations from a hydrant with a 4-inch riser or barrel. There is no requirement to provide 1000 or 1500 GPM. These larger volumes would be required only in the design and construction of a new system not in the testing of existing hydrants.

COMMENT 13: “Someone not knowing procedures could waste 420,000 gallons of water testing 7 hydrants.”

RESPONSE: The Department is aware that water could be wasted and damage could occur, if unqualified people were to attempt to test water flow. This is the reason the regulations require qualified persons to conduct or witness the test to assure that it is done safely and properly.

COMMENT 14: “One of my parks have[has] fire hydrants on the corners provided by [a] local water system[service]. What if they or the fire department do not test these?”

RESPONSE: The proposed regulations do not apply to public hydrants. Public systems are regulated by local codes. Privately owned hydrants are addressed in these regulations, you have no obligation to test the public hydrants. Contact your local agency to inquire about their testing of fire hydrants.

COMMENT 15: “You have made several comments concerning cost of upgrading and the belief that local fire agencies will not sign off on existing systems and therefore new systems will be required at great expense, or worse that parks will be seized by local government.”

RESPONSE: Section 1318 allows a fire agency to determine if a non-compliant system can continue to be used. Beyond that, the Department cannot speculate on a fire agency’s actions. There has been no discussion concerning the cost to upgrade an existing system. There is no anticipation of upgrades to existing hydrants, since these proposed regulations do not require it.

COMMENT 16: “You indicated that you worked with your local fire agency to provide a hose connection at the well to meet fire protection needs.”

RESPONSE: A hose connection at a well would still be acceptable under current law and these proposed regulations to meet the fire protection needs of the park.

COMMENT 17: “You indicated that you foresee great cost in upgrading and testing cost.”

RESPONSE: There has been no discussion concerning the cost to upgrade an existing system. There is no anticipation of upgrades to existing hydrants, since these proposed regulations do not require it. As for the cost to test, input received during development of these regulations placed the cost from \$0- \$250. In remote areas it may be more

difficult to locate firms that do such a test, but the proposed regulations permit the park operator to perform the test and have it witnessed by qualified a person.

ORAL COMMENTS FROM COMMENTER #9

COMMENT 18: “ So, what I would request is that you at least have The Department of Health Services be a part of this even though the Senate bill didn’t have them authorized, you know, requested them.”

RESPONSE: The Department of Health Services does not regulate private hydrant testing and certification. It should not be included in these regulations.

RESPONSE TO BALANCE OF ORAL COMMENT:

We are unclear about changes or alternatives you requested in your oral comments. Your concern seems to regard the proposed changes to existing Section 1300, installation requirements, and these have been withdrawn.

COMMENTER #10. FIRE CHIEF WILLIAM SAGER, BUTTE COUNTY FIRE DEPARTMENT

WRITTEN COMMENTS FROM COMMENTER #10

COMMENT 1: “Recommend revision of the following sections:
Section 1316. Park Fire Hydrant Operational and Water Flow Requirements.

(b) Operational

(2) All threads to be National Standard threads and have caps for protection of threads and a chain attached from the cap to the hydrant. “

RESPONSE: The scope of the regulations as defined by the enabling statute is limited to the maintenance and testing of existing hydrants. Proposing thread type and caps for existing hydrants would be enacting retroactive regulations.

COMMENT 2: Recommend revision of the following sections:

“ (c) Water Flow

(3) Remove the 75 gallon per minute option. “

RESPONSE: Existing regulations permit the installation of private hydrant systems designed to provide 75 GPM at 30 PSI for 1 ½” hydrants under certain conditions and there are such systems in service. Since they do exist it is important to test these hydrants as well as the larger hydrants to assure they will function as designed in case of a fire.

COMMENT 3: “Section 1317. Park Fire Hydrant Test and Certification

(c) Change to read: Annual Test and Certification of Water Flow. After the initial test and certification required in subsection (a) above, all fire hydrants shall be tested and certified annually for the minimum water flow prescribed in Section 1316. (this is required per NFPA 24).”

RESPONSE: The department convened several meetings with representatives of the fire services to develop the proposed regulations. It was a consensus that the flow test required in section 1316 should be conducted every five years. This was consistent with the practices of many fire services that do testing now and it is consistent with NFPA 25 Standard for the Inspection, Testing and Maintenance of Water Based Fire Protection Systems 1998 Edition.

COMMENTS #11 RICHARD A. SNYDER OF R. A. SNYDER PROPERTIES, INC.

WRITTEN COMMENTS FROM COMMENTS #11

COMMENT 1: “I wish to express our opposition to the proposed change to Section 1317 which would require owners and operators to test and certify the fire hydrants in the parks which we operate. Increasingly local government is passing on municipal services on to owners as an increasing burden to the operation of a mobile home park. I would appreciate your consideration in maintaining the current statute.”

RESPONSE: The proposed regulations are in response to legislative direction and the Department is required to adopt regulations for the testing and maintenance of fire hydrants. These regulations apply only to fire hydrants owned by the park. Fire hydrants that are owned and maintained by local agencies are not affected and the testing of publicly owned fire hydrants is not being shifted to park owners.

COMMENTS #12 SHEILA DEY- WESTERN MANUFACTURED HOUSING COMMUNITIES ASSOCIATION

WRITTEN COMMENTS FROM COMMENTS #12

GENERAL COMMENTS: “We appreciate the Department’s efforts on these regulations and the willingness to work with the industry to craft a set of regulations workable for the park owners and at the same time providing the health and safety protection required by SB 1627. We also will appreciate the Department’s continued assistance in the implementation of the regulations through training sessions and further bulletins if necessary.”

RESPONSE: Thank you for your comments.

COMMENTS BY SECTION:

COMMENT 1:

“**Section 1300:** WMA believes that it would be very helpful to include the following paragraph from SB 1627 relating to the applicability of these regulations, particularly for local fire districts assuming enforcement responsibilities.

(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.

We believe it will be very important to include in the regulations the specific indication that these regulations and the authority for local enforcement by fire districts does not apply to parks constructed before January 1, 1966. We believe the reference to the statute will help to allay any confusion that might arise at a later date.

Section 1300 refers to “new park construction or replacement of existing fire protection equipment.” We would like to have this section clarified to show that the replacement of worn out equipment, i.e. hoses or risers or a hydrant, does not require the park owner to replace the entire system or upgrade the system to NFPA standards. Upgrading the entire system should only be required if the whole system is being replaced, not when individual worn parts are being replaced.”

RESPONSE: Because of concerns with the updating of the NFPA standards, the application of those standards to existing construction, and the timeframe for these regulations, the Department has decided to retain the original language in these proposed regulations. The Department plans to address these concerns in the rewrite of the park regulations which is now underway.

COMMENT 2: Section 1316: “It would be very helpful if some sort of percentage deviation regarding water flow could be built into the regulations on either a percentage basis or a gallon per minute basis. If the system reaches 499 gallons per minute we believe the system should be acceptable, if it is in compliance in all other respects. Sometimes the local water flow from the local water district will determine the level of flow and this should also be taken into consideration.”

RESPONSE: An expected deviation was taken into consideration in the setting of the minimum flow standards in the regulations. A water flow as much as three times the minimum 500 gallons per minute could be expected in an ideal system and much higher than 500 gallons per minute in a typical system. You are correct that the local water district may be a factor, and should be taken into consideration. This is the reason the regulations were changed; now a local fire agency can sign a waiver to accept a system that does not meet the 500-gallon minimum.

COMMENT 3: “There is a typographical error in subsection (6) it should read: “locators or marking to clearly identify their location.”

RESPONSE: Thank you; the correction has been made.

COMMENT 4: “Section 1317: It has been suggested that after the initial test and certification of the operation and water flow of all park fire hydrants by January 2, 2003, park owners should be able to certify that they conducted the annual operation test without having the requirement that the tests be witnessed by the list of eligible witnesses. The regulation could be amended to state that the initial certification test and

the 5-year tests be witnessed, but the annual operation tests would only have to be conducted by park management and certified under penalty of perjury.”

RESPONSE: Senate Bill 1627 requires the Department to develop regulations to assure all hydrants are tested and maintained and this can best be achieved with the testing or witnessing by a qualified party. Park owners or operators are not qualified to determine that a fire hydrant is operational, as they do not have the expertise to assure consistency and quality from year to year. A qualified party would recognize problems such as: changes in the park that have created accessibility problems for fire emergency equipment or stress problems in the hydrant that could cause hydrant failure in a fire emergency.

It is important for a qualified party to test for hydrant operation on an annual basis to observe problems such as these that may develop in the park or with the hydrant. The state will continue to require qualified party certification in the regulations.

COMMENT 5: “Section 1318: Subsections (b) and (d)(2) require “activity diligently maintained”. We suggest that this requirement be modified because we are unsure what this means. Perhaps it could be replaced with a reference to repairs being undertaken or construction is currently underway.”

RESPONSE: The language “activity diligently maintained” has been changed to read: “promptly begin and maintain activity” which we believe is clearer. The requirement is now contained in Section 1318 (a).

COMMENT 6: “Economic Impact Statement: The Statement of Economic Impact indicates the annual cost to the park owners for testing would be \$0-\$250. We believe this estimate is severely understated. Our cost estimates are that at a minimum the cost will be \$300 for the flow test. Cost impact could be reduced on an annual basis if the regulations are amended to allow the park owners to conduct the annual test without the witness requirement.”

RESPONSE: During the required consultations with fire agencies, it was stated that the cost was expected to be from \$0 -\$250 per park to test private fire hydrants. Some fire agencies do not charge for services, licensed fire protection contractors charge about \$250.

ORAL COMMENTS BY COMMENTER #12

COMMENT 7: “In the regulations that we have found that is listed for testing, I’m not sure is accurate. We’ve had several park owners send me information on having the flow tested and cost and the minimum seems to be \$300.”

RESPONSE: During the required consultations with fire agencies, it was stated that the cost was expected to be from \$0 -\$250 per park to test private fire hydrants. Some fire agencies do not charge for services, licensed fire protection contractors charge about \$250. It is possible to find a more expensive contractor.

COMMENT 8: “Would it be possible to have the park operator do the exercising of the valves on the annual basis and certify under penalty of perjury that they’ve done that?”

RESPONSE: Senate Bill 1627 requires the Department to develop regulations to assure all hydrants are tested and maintained and this can best be achieved with the testing or witnessing by a qualified party. A park owner or operator is not qualified to determine that a fire hydrant is operational, as they do not have the expertise to assure consistency and quality from year to year. A qualified party would recognize problems such as: changes in the park that have created accessibility problems for fire emergency equipment or stress problems in the hydrant that could cause hydrant failure in a fire emergency.

It is important for a qualified party to test for hydrant operation on an annual basis to observe problems such as these that may develop in the park or with the hydrant. The state will continue to require qualified party certification in the regulations.

COMMENTS #13 DAVE HENNESSEY, CALIFORNIA MOBILEHOME RESOURCE AND ACTION ASSOCIATION

WRITTEN COMMENTS FROM COMMENTER #13

COMMENT 1: “CMRAA strongly supports the Program, and has no specific comments to make regarding the proposed language.”

RESPONSE: The Department appreciates your support.

COMMENT 2: “It should be of paramount importance to ensure that all mobilehome spaces are protected by an available, working hydrant, and we would submit that this should be a part of the legislation.”

RESPONSE: It is beyond the authority of these proposed regulations to mandate installation of hydrants in existing parks.

COMMENTS # 14 TOM TISDALE, FIRE CHIEF, RIVERSIDE COUNTY FIRE DEPARTMENT

WRITTEN COMMENTS FROM COMMENTER #14

COMMENT 1: “The Riverside County Fire Department supports regulations to require regular maintenance and periodic inspection and testing of fire hydrants and fire hydrant systems as proposed by the Department of Housing and Community Development.”

RESPONSE: The Department appreciates your support. Thank you.

COMMENTS RECEIVED DURING THE PERIOD THE MODIFIED TEXT WAS MADE AVAILABLE TO THE PUBLIC - COMMENT PERIOD FROM OCTOBER 23, 2001 TO NOVEMBER 6, 2001

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COMMENT 1: “I want to say that, CMRAA is concerned with the lack of sufficient water pressure in some of the parks and in fact even with the lack of water hydrants in some of the parks in California.”

RESPONSE: The Department does not have the authority to address the lack of fire hydrants in some parks with these regulations. However, the issue of insufficient water pressure in particular parks will become evident with these regulations, be brought to the attention of the fire agency responsible for fire suppression in the park.

COMMENT 2: “I do want to emphasize, however, that CMRAA’s commitment is to HCD and we will support whatever can be done to ensure the safety of residents in mobilehome parks in California.”

RESPONSE: The Department appreciates your support.

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COMMENT 1: “It is not clear to me in reading the proposed standards, whether a park built in 1962 falls fully under the proposed standards, or partially, or it’s up the fire chief. Looks like they are designed for parks built after 1968, but let me raise this issue that it is not perfectly clear.”

RESPONSE: The Department has withdrawn the proposed changes to existing Section 1300 regarding fire hydrant installation standards.

COMMENT 2: “I don’t see an appeals process or a review process or anything that a park might bring if they felt that the fire chief’s attitude were overstepping his bounds.”

RESPONSE: The appeals process for local issues exists at the city and county level. An appeal of a decision by a Fire Chief would be with a city or county, depending on the location of the park.

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COMMENT 1: Mr. Underwood is concerned that the fire agency responsible for fire suppression in the park will not extend a waiver for his “dry” hydrant, and instead will use the opportunity of the waiver to require him to install a hydrant with water pressure and flow.

RESPONSE: The Department cannot speculate on the actions of a fire agency. The proposed regulations do not mandate the installation of pressure hydrants, but do apply to private fire hydrants that currently exist in parks. Based upon the information in your letter, it is likely that the “dry” hydrant that you have in place for drafting water from the river would not be subject to the proposed regulations, as it may not meet the requirements of the proposed definition for “fire hydrant”.

**CHANGES MADE TO PROPOSED REGULATIONS DURING THE 15-DAY COMMENT PERIOD
OCTOBER 23, 2001 TO NOVEMBER 6, 2001.**

The originally proposed text identified in the Notice of Proposed Action shall be referred to in this document as the “**Noticed Text.**” The following modifications to the Noticed Text are sufficiently related and substantial:

1. Section 1300.

1300(a)(4) - Noticed Text. The definition for “Fire Hydrant System” was determined to be beyond the intended scope of these regulations and so was deleted. This definition will be more appropriately addressed in future regulatory actions.

1300(a)(4) - New. The definition for “Park” was not modified from the Noticed Text. The subsection has been renumbered from Section 1300(a)(5) to accommodate the modifications to this section.

1300(a)(5) - New. The definition for “Private Fire Hydrant” was added to clarify that some fire hydrants in a Park are privately owned as opposed to those that are publicly owned. Additionally, this was necessary to clarify that the regulations apply only to private hydrants. The Mobilehome Parks Act (Title 25, CCR Division 13, Part 2.1) does not apply to water facilities owned, operated, and maintained by a public utility pursuant to Health and Safety Code Section 18304(b).

1300(b). This subsection was been returned to the original text in existing regulations, with the modification to delete the words “mobile home.” This modification was necessary to be consistent with the definition of “Park.” (See new subsection 1300(a)(5).)

1300(c) - Noticed Text. The Noticed Text was deleted. Construction standards are beyond the scope of these regulations.

1300(c) - New. This subsection was added to clearly state that parks are responsible for testing private fire hydrants. This adoption was necessary to clarify which fire hydrants are required to be tested and who is responsible for the test.

1300(d). This subsection was modified to add the title “Reciprocity of Enforcement Agencies.” The title was added for the convenience of the reader to quickly understand the theme of the subsection. The rest of the language is the same as the Noticed Text.

2. Section 1304.

Section 1304 is not new text. It is existing regulation that was not included in the originally Noticed Text. It was added to show its relationship to the new Private Fire Hydrant Test and Certification requirement. This section was modified to delete the words “mobile home.” This modification was necessary to be consistent with the definition of “Park.” (See new Section 1300(a)(5).)

3. Section 1306.

Section 1306 is not new text. It is existing regulation that was not included in the originally Noticed Text. It was added to show its relationship to the new Private Fire Hydrant Test and Certification requirement. The section was modified as follows:

- The word “with” was changed to “within” to be grammatically correct.
- The words “mobile home” was deleted to be consistent with the definition of “Park” in new Section 1300(a)(5).
- The phrase “he has obtained” was deleted and the term “has been obtained” added to correct gender specific directions.

The words “local” and “department” were deleted and replaced with “agency responsible for fire suppression in the park” to maintain consistency in defined language.

4. Section 1310.

This section was repealed in the Noticed Text. It was reinstated to existing regulation language and modified to replace the word “department” with “agency responsible for fire suppression in the park” to maintain consistency in defined language.

5. Section 1316. This section was modified as follows:

General Modifications: The word “park” was deleted, the word “private” added before the words “fire hydrant” in the Title, and throughout the section to be consistent with definition of “private fire hydrant” in new Section 1300(a)(4).

1316(a). The term “within each park” was deleted, as it is redundant. The language “as prescribed in subsection (b)” was added for clarity.

1316(b). The title was changed from “Operational” to “Operation” to be grammatically correct. The term “considered operational” was deleted and the term “in order to be considered operational for the purposes of this Article” was added at the end of the sentence for better sentence structure.

1316(b)(6). The word “identified” was changed to “identify” to be grammatically correct.

1316(c). The term “within each park” was deleted, as it is redundant.

7. Section 1317.

General modifications: The word “park” was deleted before the words “fire hydrant” in the Title. The word “private” was added in front of the words “fire hydrant” in the title and throughout the rest of the section to maintain consistency with defined language in this Article.

1317(a) - Noticed Text. This subsection was renumbered as subsection 1317(c).

1317(a)- New. This subsection was added to make it clear to the reader that form HCD MP 532 is to be used to verify the testing and certification of private fire hydrants.

1317(b)- Noticed Text. This subsection was renumbered as subsection 1317(d).

1317(b)(1)- Noticed Text subsection 1317(d). The word “information” was changed to “test results” to make the nature of the test results on the form clear to the reader. The word “Park” was deleted and the word “Private” added in the title of form HCD MP 532. The date of the form was changed from “5/01” to “10/01” to reflect that it had been modified.

1317(b)(1)(A). The phrase “responsible for fire suppression in the park” was added to specify which fire agency can certify or witness the test.

1317(b)(2). The word “information” was changed to “test results” to make the nature of the test results on the form clear to the reader. The word “Park” was deleted and the word “Private” added in the title of form HCD MP 532.

- The date of the form was changed from “5/01” to “10/01” to reflect that it has been modified.

- The phrase “responsible for fire suppression in the park” was added to specify which fire agency can certify or witness the test.

1317(b)(2)- Noticed Text. This subsection was deleted. The requirement to submit a copy of the test is an unnecessary duplication of work, as the Park owner will submit the original when applying for a permit to operate.

1317(c)- Noticed Text. This subsection was renumbered as subsection 1317(e).

1317(c)- Noticed Text subsection 1317(a). The language “Not later than” was moved to the beginning of this section so the reader could find the date easily. The date was changed from “January 2, 2003” to “December 31, 2002” because the deadline was less likely to be misunderstood.

- The term “all park” was deleted as it is redundant.
- The language “as evidence that the fire hydrants within the park have been tested for operation and water flow” was deleted, as it is no longer needed.
- The words “completed copies of” were inserted in front of the phrase “form HCD MP 532” to notify the reader to send copies, not originals of the form to the enforcement and fire agencies.
- The word “Park” was deleted from, and the word “Private” added to, the title of form HCD MP 532. The date of the form was changed from “5/01” to “10/01” to reflect that it had been modified.
- The phrase “if it has assumed responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries” was deleted and replaced with “responsible for fire suppression in the park” because the agencies responsible for putting out the fires should be apprised of private fire hydrant conditions in the parks.

1317(c)(1)- Noticed Text. This subsection was relocated to subsection 1317(e)(2).

1317(c)(2) - Noticed Text. This subsection was deleted. The requirement to submit a copy of the test is an unnecessary duplication of effort; as the Park owner will submit the original when applying for a new or renewal permit to operate as specified in Section 1319.

1317(d)- Noticed Text subsection 1317(b). The word “all” was deleted, as it is no longer necessary.

- The language “for operation” was replaced with “in order to determine that they are operational” to maintain consistency of terminology.

- The language “Verification shall be submitted to the enforcement agency as required in Section 1319” was added to make it clear that the initial test results will be acceptable to use for the 2003 permit to operate requirement and so avoiding duplication of testing. When applying for a renewal of a permit to operate in the year 2003, parks existing prior to December 31, 2002, may use the HCD MP 532 Private Fire Hydrant Test And Certification Report, dated 10/01, with a test date of 2002, if the date of the test is less than 12 months prior to the date of the 2003 application for renewal of the permit to operate. The original copy of the 2002 HCD MP 532 Private Fire Hydrant Test And Certification Report, dated 10/01, must be submitted with the 2003 application for renewal of the permit to operate.”

1317(e)- Noticed Text. This subsection was relocated to subsection 1319(e).

1317(e)- New. This subsection is renumbered subsection 1317(c) of Noticed Text.

1317(e)(1) - Noticed Text Section 1317(c). The language “after the initial test and certification required in subsection (a) above, all” was deleted, as it is not needed for reference. The word “Private” was added to the term “fire hydrant “ for consistency in defined language. The language “not less than one time every five years” was changed to “at least every fifth year” to conform to plain English. The word “as” was inserted for grammatical reasons.

The language “and verification submitted to the enforcement agency as required in Section 1319” was added to clarify the proposed regulations thereby eliminating a source of confusion. 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.

1317(e)(2) - Noticed Text section 1317(c)(1). There was no change to the Noticed Text.

1317(e)(3) - New. New subsection (e)(3) was added to clarify that the 5-Year test and certification is required to be conducted within the 12 months prior to the renewal of a permit to operate. This requirement was part of the Noticed Text Section 1317(c)(2).

- 8. 1318 – Noticed Text.** This section was deleted and the requirements distributed between new Section 1318 and new Section 1319 to more clearly delineate the requirements for the resolution of private fire hydrant violations, and the requirements for parks with private fire hydrants to obtain a permit to operate.

Section 1318 - New. This section, **Private Fire Hydrants With Violations**, was added to delineate the requirements for resolution when a private fire hydrant is tested and is found in violation. The requirements of this section are not new; they were moved from Noticed Text Section 1318.

1318(a). This new subsection, **Correction of Violation**, was added to clarify the requirements for private fire hydrant testing and violation. This requirement was moved from Noticed Text Section 1318(d)(1).

1318(b). This subsection was moved from Noticed Text subsections 1318(c). The title **“Approval to Use Existing Private Fire Hydrant”** was added to allow a fire agency, with responsibility for fire suppression in the park, to give approval to use existing hydrants that fall below the minimum level for water flow. This will ensure that fire agencies are aware of the condition of deficient hydrant systems that they may use, that park operators know the remedies available to them, and that the fire agency can objectively balance the safety of residents and firefighters against the difference between the actual flow and the amount necessary to suppress fires.

9. **Section 1319 - New.** This is a new section was created from some of Noticed Text Sections 1317 and 1318. This Section was renumbered to accommodate changes in the other sections.

1319 - Title. The title, **“Private Fire Hydrant Compliance For Park Operation,”** signifies that this section addresses the requirements for issuing a permit to operate for parks with private fire hydrant testing results.

1319(a) – Permits To Operate. This new subsection establishes that a park shall not be issued a permit to operate unless it meets the requirements of this section. This requirement was moved from Noticed Text Section 1318(d)(2).

1319(b) – Verification of Test and Certification. This new subsection establishes the requirement that the park operator submit the HCD Form 532 when applying for a permit to operate. This is not a new requirement; it was moved from Noticed Text Section 1318(a).

1319(c) – Issuance of a Permit To Operate. This new subsection establishes the requirements for issuing a permit to operate for a park with private fire hydrants. It provides the options that a park operator has for obtaining a permit to operate after the private fire hydrants have been tested and certified, and are either in violation, or are not in violation. This is not a new requirement; it was moved from Noticed Text Section 1318.

1319(d). This new subsection establishes that the refusal to issue a permit to operate does not preclude the park enforcement agency from pursuing other enforcement remedies. This requirement was moved from Noticed Text Section 1318(e).

1319(e). This new subsection establishes a period of time for record retention by the enforcement agency. This requirement was moved from Noticed Text Section 1317(e).

10. **HCD MP 532 - Park Fire Hydrant Test and Certification Report.** The form HCD MP 532 was required in the Noticed Text. This form has been modified as follows:

Title. The word “Park” was deleted and the word “Private” added at the beginning of the title to be consistent with the definition of “Private Fire Hydrant” in new Section 1300(a)(5).

The notation requesting attachment of the park plot plan was moved to Part III of the form. The plot plan is needed so the reviewer will know specifically which hydrant is or is not working at the required level.

The requested information: Number of lots in the park, the water system being public or private, and the date of construction were deleted as they are irrelevant to the test.

The park operator contact information was moved up from the certification section IV to keep similar information grouped together.

Part II- Annual Fire Hydrant Operation Test- Questions 1 through 7 remain the same though the title was changed to add “Annual” for user clarity.

“Items 8 thru 10 For park using private system as addressed in Section 1312 Title 25 Chapter 2 CCR.” This section of the form was deleted as the requirements are unnecessary to test fire hydrants.

Part III title was changed to add “Five-Year”, and “Test Results” for user clarity.

Part V –Waiver For Private Fire Hydrant. This section was added to allow the fire agency with responsibility for fire suppression to provide approval for a park to use the existing private fire hydrant, pursuant to new Section 1318(b). The use of this form saves the agency the expense of developing a form.

The Following are Changes Made Pursuant to Section 100 of Title 1 in the California Code Of Regulations.

Section 1300(a)(3)- Subsequent to the second comment period, the word “a” was added to correct a grammatical error.

1300(b)- Subsequent to the second comment period, the initials N.F.P.A., were added to the text following “National Fire Protection Association”. The comma was struck after the phrase “September 1, 1968, or” to correct punctuation.

1300(d)- Subsequent to the second comment period, the letter “s” was struck from the word “sections” for grammatical reasons.

Section 1302- Subsequent to the second comment period, the following changes were made. These changes consist of:

- 1)** Subsection (b)- Add “within these” preceding “geographical”, and deleting “in the”, preceding “geographical”, and deleting “of the jurisdiction of the fire agency” for clarity.
- 2)** Subsection (c)- Structure was revised and numbers added, to make the provisions clearer to the reader. Language was also added for clarity, following the word “shall” the words “do all the following:”, to erase any ambiguity about the requirements by the reader.
- 3)** Language that became redundant with the restructuring was deleted.
- 4)** Language was added to make the code more specific “local fire code” was changed to “local agency fire prevention code”.
- 5)** A comma was moved to precede the word “to” in order to correct punctuation.

Section 1304- Subsequent to the second comment period, the structure of this section was revised and the word “located” was added after the word “park” to make the exception clearer. The word “park” was pluralized for syntax. Additionally, Section 18691 of the Health and Safety Code was added to the reference note.

Section 1310- Subsequent to the second comment period, the word “and either” was inserted for clarity. The word “not” was struck and prefix “in” added to the word “adequate” for clarity. The words “by the” were added preceding “enforcement agency” for clarity.

Section 1316(a)- Subsequent to the second comment period, the words “ of this Section” were added after each “subsection” reference, for clarity. The words “have at least the” were struck and the words “meet the” were inserted, and the words “standards” was inserted preceding “water flow” for clarity.

Section 1317- Subsequent to the second comment period, the references to the complete name of form HCD MP 532, “Fire Hydrant Test and Certification Report”, was struck after the first introduction in Section 1317.

1317(a)- Subsequent to the second comment period, the title of subsection(a) was made bold to make it obvious it was a title. The sentence regarding the introduction of the test report was rearranged for syntax.

1317(c)- Subsequent to the second comment period, the word “Not” was changed to the word “ No” at the beginning of the subsection to correct syntax.

1317(d)- Subsequent to the second comment period, the words “of this Article” were added after the words “Section 1319” for clarity. The sentence regarding initial submission of the HCD MP 532 in the year 2003, was rearranged for syntax.

1317(e)- Subsequent to the second comment period, this Section was renumbered for clarity.

1317(e)(1)- Subsequent to the second comment period, following the references to “Section ...”, the words “of this Article” were inserted for clarity. The words “shall be” were added prior to the word “submitted” to maintain consistency in language in this Article. To complete a restructuring of this Section, the last part of this subsection was split into a new subsection, 1317(e)(2).

1317(e)(2)- Subsequent to the second comment period, this subsection was renumbered to 1317(e)(4).

1317(e)(3)- Subsequent to the second comment period the word “each” was inserted to replace the word “the” preceding the word “fifth-year”, and the words “the prior” were inserted to replace the word “that” preceding the words “permit-to-operate”.

Section 1318- Subsequent to the second comment period, the references to the complete name of form HCD MP 532, “Fire Hydrant Test and Certification Report”, was struck after the first introduction in Section 1317.

1318(b)- Subsequent to the second comment period this subsection was restructured for clarity.

Section 1319- Subsequent to the second comment period, references to the complete name of the form HCD MP 532, “Fire Hydrant Test and Certification Report”, was struck after the first introduction in Section 1317.

1319(c)- Subsequent to the second comment period, the words “of this Article” were inserted after any reference to “Section ...” for clarity.

1319(e)- Subsequent to the second comment period, the “Department” was changed to lower case.

ALTERNATIVES

The Department considered alternatives recommended by the public during the public comment periods. As a result of the suggested alternatives and general comments, the Department withdrew proposed changes to the installation requirements, corrected grammatical errors, rewrote the language in some sections to make the intent more clear to the reader, and provided all fire agencies the ability to waive fire hydrant non-compliance based on conditions known to them. The Department’s discussion of those alternatives is presented in the response to comments portions of this document.

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the

regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

No comments were received from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY

No comments were received from the Trade and Commerce Agency..

Local Mandate Determination

The adoption and amendment of the proposed regulations do not impose a mandate on local agencies or school districts.

OTHER REQUIREMENTS OF LAW

Pursuant to the requirements of Government Code section 11359, the State Fire Marshal's Office is required to approve the regulations prior to adoption. The regulations have been submitted to the State Fire Marshal for approval.

**ADDENDUM TO FINAL STATEMENT OF REASONS
REGARDING
FIRE HYDRANT TEST AND CERTIFICATION
MOBILEHOME PARK PROGRAM
CHAPTER 2. MOBILEHOME PARKS ACT
SUBCHAPTER 1. MOBILEHOME PARKS
ARTICLE 6. FIRE PROTECTION STANDARDS FOR MOBILEHOME PARKS**

**COMMENT PERIOD FROM AUGUST 3, 2001 TO SEPTEMBER 17, 2001
ORIGINALLY PROPOSED REGULATIONS**

Addendum to Response to Comments

COMMENTS #9. LARRY ELLIOT, NORTH STATE MANUFACTURED OWNERS AND MANAGERS ASSOCIATION

WRITTEN COMMENTS FROM COMMENTER #9

COMMENT: "1316(b)(6): I have not seen any markings specified in any local fire code, so please identify what marking you want and where to find the required marking."

RESPONSE: Because of the lack of uniformity in park design (i.e., dirt roads vs. blacktop) the Department is choosing to allow each park owner or operator to determine the specific type of fire hydrant identifier or locator markings. By instituting a performance rather than a prescriptive requirement, compliance can be obtained without imposing excessive costs.

COMMENT: "[On the] Form 399 Economic and Fiscal Impact Statement. A.1 b. 'Small Businesses' should be checked, [because most parks] have less than 5 employees."

RESPONSE: The Department here is relying on the definition of "small business" found in Government Code Section 11342.610, which does not include mobilehome parks, special occupancy parks, or manufactured housing communities. Consequently, there was no need to indicate a "small business" fiscal effect on the Form 399, Fiscal and Economic Impact Statement.

COMMENT: (Form 399 A.1) "g. 'Impacts individuals' should also be checked because some individuals will lose their parks and most will be losing up to \$200,000 to upgrade to this standard."

RESPONSE: The commenter, here, is referring to his perception of a regulatory impact on "individuals" as business owners. The Department has indicated on Form 399, Section A.1.a, that mobilehome park businesses may be fiscally impacted. Therefore, an additional reference to "private individuals" would be both unnecessary and incorrect.

Addendum to Changes Made to proposed regulations during the 15-day comment period

7. Section 1317

1317(e)(4)- NEW. This subsection (previously subsection 1317(c)(1) of the originally noticed text) is necessary to clearly inform those charged with performing flow tests, that environmental or structural damage inadvertently caused by incorrectly executed flow tests, is impermissible. This section was included as both a cautionary statement and a reminder that not all hydrants are connected to potable water sources, and that water released from them during the testing process is capable of polluting other, fresh water resources. Further, water that is released during testing may be under pressure and capable of damaging nearby park structures.

10. HCD MP 532- Park Fire Hydrant Test and Certification Report.

This form is needed to allow those responsible for performing the operational tests a simple and convenient method either to verify that all regulatory requirements have been addressed or to grant a waiver to a particular park. This form then becomes documentary evidence of regulatory compliance. Those regulatory requirements which are addressed within this form are listed below.

PART I of the form identifies the park within which the fire hydrants are being tested pursuant to these regulations. Further, because the operator may not reside within the park, the name, address, and phone number of the park operator is necessary to facilitate communications with the park, if there is a need for contact.

PART II of the form responds to the requirements set forth in Section 1316(b) of this article.

PART III of the responds to the requirements set forth in Section 1316(c) of this article.

PART IV of the form responds to the requirements set forth in Section 1317(b)(1) of this article.

PART V OF THE FORM provides a means for the fire agency responsible for fire suppression in the identified park, to waive a park's continued usage of a non-compliant system, thus eliminating the requirement for a separate waiver.

Each part of this form is necessary to document that the affected parks are (1) complying with the regulations and (2) are accurately credited with such compliance.

**REVISED ADDENDUM TO FINAL STATEMENT OF REASONS
REGARDING
FIRE HYDRANT TEST AND CERTIFICATION
MOBILEHOME PARK PROGRAM
CHAPTER 2. MOBILEHOME PARKS ACT
SUBCHAPTER 1. MOBILEHOME PARKS
ARTICLE 6. FIRE PROTECTION STANDARDS FOR MOBILEHOME PARKS**

**COMMENT PERIOD FROM AUGUST 3, 2001 TO SEPTEMBER 17, 2001
ORIGINALLY PROPOSED REGULATIONS**

Revised Addendum to Response to Comments

**COMMENTS #9. LARRY ELLIOT, NORTH STATE MANUFACTURED OWNERS AND MANAGERS
ASSOCIATION**

WRITTEN COMMENTS FROM COMMENTER #9

COMMENTS: (Form 399 A.2) "Of the 2800 parks, half will not meet local flow requirements even though you have specified flow, the local fire district must sign off. And they won't unless their standards are met. Also Los Robles has Manufactured Housing."

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. The flow requirements have been set at a minimum acceptable level to address the needs of older parks, which would otherwise be required to undertake costly retrofitting actions. These minimum levels were discussed and accepted by fire agencies and industry representatives during the statutorily required consultation for these regulations. Consequently, it is unlikely that many parks will be non-compliant. The cost impact of the test itself is negligible. The Department agrees that Los Robles has manufactured housing, however, the Department's statement was that there are no "manufactured housing communities", as defined in statute, in the state.

COMMENT: (Form 399 A.2) "It is a joke to say that 0 small business will be impacted. The actual number will be close to 1400."

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. The Department is relying on the definition of "small business" found in Government Code Section 11342.610, which does not include mobilehome parks, special occupancy parks, or manufactured housing communities. Consequently, there was no need to indicate a "small business" fiscal effect on the Form 399, Fiscal and Economic Impact Statement. The cost impact of the test itself is negligible.

COMMENT: (Form 399 A.3) “There will be at least 10 that will be eliminated by local government seizure.”

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. However, the intent of these regulations is to provide minimum safety levels to mobilehome parks and residents in the least costly manner by setting performance rather than prescriptive standards with commensurate annual testing fees of \$0 to \$250. The Department is not requiring costly retrofitting to parks, as the commenter may have assumed in his calculations. Consequently, it is highly unlikely that, given this minimal cost that any new businesses will be created or eliminated.

COMMENT: (Form 399 A.5) “Their (SIC) should be 5 jobs created as C-16 unless you get all your HCD inspectors trained in flow testing outlying areas.”

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. Those authorized to certify test results are: the fire agency responsible for fire suppression in the park, a local water supplier, a licensed C-16 fire protection contractor, or a licensed fire protection engineer. Given the cost of the test, the number of parks in the state, and the variety of those qualified to witness the test, it is unlikely that any new C-16 contractor jobs for hydrant testing in parks will be created.

COMMENT: (Form 399 A.6) “Yes, the rental rates must go up to cover the \$200,000 per park to upgrade to local fire codes.”

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. The cost of the test is from \$0 to \$250. This amount is unlikely to cause any parks to have to raise rents. There are no upgrade requirements in these regulations. The fire agencies are precluded from enforcing their fire code on park hydrants already in existence unless they constitute a distinct hazard to life or property pursuant to Section 1302(c) of these regulations and Health and Safety Code Section 18691.

COMMENTS: (Form 399 B.1.b) “The 1400 parks not meeting fire (SIC) flow will spend an average \$200,000 for new piping, pumps, tanks, and fire hydrants and repaving. The average park may need 500 feet of new larger fire hydrant lines. The ongoing costs for me may be 7 fire hydrants time \$250 equals \$1750 every five years plus \$200 each year or $\$1750 + 4 * \$200 = \$500$ per year ongoing.”

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. The flow requirements have been set at a minimum acceptable level to address the needs of older parks, which would otherwise be required to undertake costly retrofitting actions. These minimum levels were discussed and accepted by fire agencies and industry representatives during the statutorily required consultation for these regulations. Consequently, it is unlikely that many parks will be non-compliant. Although it is

possible to find more expensive contractors to test the water flow; there are many other options under these regulations for the park owner/operator to use as they determine what is best for each situation. The commenter seems to be assuming there will be costly upgrades or retrofitting required, there is no requirement to retrofit or upgrade existing hydrants.

COMMENT: (Form 399 B.4) "If an owner needs \$200,000 to upgrade then it must be prorated over 5 years. I would say their will (SIC) be a \$20 per month rate increase, due to this regulation, to tenants. I personally have spent about \$70,000 just upgrading my well and 8000 gallon storage tank to meet a 500GPM flow for fire (SIC). If I need a 120,000 gallon fire tank costing \$120,000, then I will be at \$200,000 already."

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. There are no requirements in these regulations to upgrade existing hydrants in parks. The impact on housing costs due to testing costs is negligible. It is admirable that Mr. Elliott has chosen to upgrade his park for hydrant water flow; however, this is not a requirement in these regulations. Should a park fail to comply with the test requirements, there are options other than costly retrofitting, available in Section 1318 of these regulations.

COMMENT: (Form 399 D.1) "The Department of Health Services should also be consulted because all water systems in California are in their jurisdiction, including fire hydrants. Also D.4 costs and methods for achievement can be calculated by Health Services."

RESPONSE: Again, the Department of Health Services does not regulate fire hydrants and has no jurisdiction. The Department of Health Services regulatory authority covers potable water. Alternatives for testing fire hydrants for operation and flow would require changes in the statutes as these regulations are currently mandated by statute. As for performance standards, D.4, there are requirements, but it is left to the owner/operator of the park as to how they are to be achieved. The requirements are performance versus prescriptive standards, which allow for lower compliance costs.

COMMENT: (Form 399 E.1) "If 1400 parks spent \$200,000 then \$120,000,000 million is need (SIC) which is well over the \$10 million limit. Just the \$500 per year for 2800 parks times 30 years is \$43,000,000. Even you (SIC) low \$250 per year figure per park is \$21,000,000 over 30years just for reports, let alone upgrades."

RESPONSE: The commenter has provided no documentation to support his assumptions. Therefore, the Department is unable to confirm his opinion. There are no requirements in these regulations for upgrading existing hydrants. Some parks will spend \$0 for the test others will spend more. Given the cost of \$0 to \$250 for the test for each of 2800 parks, the Department's estimate for costs is correct. The commenter appears to perceive that these regulations require costly upgrades to existing hydrants. There are no such requirements.