

AB 587 Proposed Emergency Regulations

1. Article 3.5 (commencing with Section 5535) is added to Title 25, Division 1, Chapter 5, as follows:

Article 3.5. Registration of Manufactured Homes or Mobilehomes with Fee and Tax Waiver Program

5535. (a) On or before December 31, 2019, a person or entity who asserts ownership of a manufactured home or mobilehome previously registered in California, as a result of a purchase or transfer of that home, but who has not registered that home with the Department, may apply for registration of that home in a manner consistent with this Article, the Fee and Tax Waiver Program, and upon satisfaction of the requirements, shall be eligible for relief through a waiver of a portion of the Department fees and penalties outstanding on that home or waive all or a portion of local property taxes and late fees due on that home.

(b) A person or entity may not obtain more than one registration fee, tax and penalty waivers pursuant to this Article.

(c) This Article does not apply to registration of new manufactured homes or mobilehomes.

(d) This Article does not apply to registration of manufactured homes or mobilehomes not previously registered in California and subject to Article 2 (commencing with Section 5520).

(e) The Department may develop and provide informational and educational materials regarding the various procedures required by this Article.

(f) The Department will provide informational materials in other commonly used languages to the extent that resources are available to do so.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code

5535.5. If the manufactured home or mobilehome is subject to annual renewal fees, including the annual registration fee, the in-lieu tax fee or vehicle license fee, and the Mobilehome Park Rehabilitation and Purchase Fund fee, the applicant shall comply with this Article's registration and Fee and Tax Waiver Program requirements. Each application shall include:

(a) Request for relief pursuant to this Article containing the following information:

(1) Name(s), mailing address, telephone, and email address if any, of the applicant(s);

(2) Unit identifying information;

(3) Unit location;

(4) Date of sale or transfer and purchase price, if any; and

(5) A statement of facts signed under penalty of perjury by the applicant providing the following statements and information:

(A) Applicant is applying for the fee and tax waiver program;

(B) Applicant is providing a description or documentation demonstrating ownership or how the applicant received ownership;

(C) Applicant's date of acquisition of, or ownership interest, pursuant to Sections 18100.5 or 18102.5;

(D) Applicant request for the fee and tax waiver program is being made prior to December 31, 2019; and

(E) Applicant(s) has not previously obtained a registration and fee and tax waiver relief subject to this Article.

(b) The applicant shall comply with the applicable registration requirements and submit required documents pursuant Sections 5530 or 5531.

(c) In addition to the other requirements of this section, the applicant(s) shall comply with all requirements in Article 4 (commencing with Section 5540) including but not limited to the following:

(1) Payment of all fees required by the fee schedule in Section 5660 for registration of a manufactured home or mobilehome;

(2) Payment of all annual renewal fees assessed from the time the applicant took ownership interest or December 31, 2015, whichever is later, and the time that the applicant applied for fee and tax relief pursuant to Section 18116.1.

(3) Payment of use taxes;

(4) Proof of transfer by the registered owner of record by means of a signed certificate of title or an alternative authorized by this chapter including but not limited to a bond or other undertaking authorized by Section 5547;

(5) Proof of release, assumption, or satisfaction by each legal owner or junior lienholder on the title record, or alternatives authorized by this chapter, and applications and fees related thereto; and

(6) Other documents required by law or this chapter necessary for a transfer of a manufactured home or mobilehome, including but not limited to, a smoke alarm and carbon monoxide alarm pursuant to Sections 4326 and 4328.

(d) Upon receipt and the Department's determination of compliance with this chapter of the fee and tax waiver program application, payment of all fees due, and all required documents, the Department shall issue a standard certificate of title and other required titling documents.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code; California Code of Regulations Sections 4326 and 4328.

5536. If the manufactured home or mobilehome is subject to local property taxation, the applicant shall comply with the requirements of the registration and fee and tax waiver program as required by this Article.

(a) The application for registration pursuant to this Article shall include a request for fee and tax waiver relief which contains the following information:

(1) Name(s), mailing address, telephone, and email address if any, of the applicant(s);

(2) Unit identifying information;

(3) Unit location;

(4) Date of sale or transfer and purchase price, if any; and

(5) A statement of facts signed under penalty of perjury by the applicant providing the following statements and information:

(A) Applicant is applying for the fee and tax waiver program;

(B) Applicant is providing a description or documentation demonstrating ownership or how the applicant received ownership;

(C) Applicant's date of acquisition of or ownership interest, pursuant to Sections 18100.5 or 18102.5;

(D) Applicant declares, to the best of their knowledge, that any lien pursuant to Government Code Section 16182 has been satisfied;

(E) Applicant declares a request for the fee and tax waiver program is being made prior to December 31, 2019; and

(F) Applicant(s) has not previously obtained registration and fee and tax waiver relief subject to this Article.

(b) The applicant shall comply with the applicable registration requirements and submit required documents pursuant to Section 5530 when a licensed dealer was involved in the sale, lease or, transfer, with the exception of 5530(b)(4) if applicable.

(c) The applicant shall comply with the applicable registration requirements and submit required documents pursuant Section 5531 with the exception of 5531(c)(4) if the applicant obtained the home other than by or through a licensed dealer.

(d) In addition to the other requirements of this section, the applicant(s) shall comply with all requirements in Article 4 (commencing with Section 5540) including but not limited to all of the following:

(1) Payment of all fees required by the fee schedule in Section 5660 for registration of a manufactured home or mobilehome;

(2) Release from the State Controller's Office of any Government Code Section 16182.1 tax postponement liens;

(3) Proof of transfer by the registered owner of record by means of a signed certificate of title or an alternative authorized by this chapter, including but not limited to, a bond or other undertaking authorized by Section 5547;

(4) Proof of release, assumption, or satisfaction by each legal owner or junior lienholder on the title record, or alternatives authorized by this chapter and applications and fees related thereto; and

(5) Other documents required by law or this chapter necessary for a transfer of a manufactured home or mobilehome, including but not limited to, a smoke alarm and carbon monoxide alarm pursuant to Sections 4326 and 4328.

(e) Upon receipt and the Department's determination of compliance with this chapter of the fee and tax waiver program application, payment of all fees due, and all required documents, the Department shall issue a conditional certificate of title. The conditional certificate of title issued by the Department shall contain, but not limited to, all of the following:

(1) Information substantially similar to that required on the registration application as provided in Health and Safety Code Section 18085 that will show conditional registered title status in lieu of registered ownership; and

(2) A statement that a conditional certificate of title may not be used to demonstrate registered owner status for the purposes of a resale or transfer of title, to secure a loan or lien, or for any other purpose.

(f) The Department shall issue a new certificate of title and other titling documents when the applicant(s) provides the Department with all of the following:

(1) Tax Liability Certificate or Tax Clearance Certificate from the applicable county tax collector's office; and

(2) The conditional certificate of title previously issued per the fee and tax waiver program; and

(3) The Department may designate a form which may request the name(s) of the applicant(s), unit identifying information, and any other information necessary to ensure applicant(s) meets all of the requirements of this Chapter not related to nonpayment or late payment of the Department charges or fees and penalties related to registration and titling.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code; California Code of Regulations Sections 4326 and 4328.

5536.5. (a) This Article takes effect on January 1, 2017, or the effective date thereafter approved by the Office of Administrative Law.

(b) This Article is repealed on December 31, 2020, unless a law or regulation promulgated prior to or on that date removes or amends this section or the termination dates in Chapter 396 of the Statutes of 2016.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code.