

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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January 23, 2019

INFORMATION BULLETIN (2019-01) (SHL, RT, MP, MH)

TO: State Housing Law Program
Registration and Titling Program
Mobilehome Parks Program
Manufactured Housing Program
Interested Parties
Division Staff

FROM:  Richard Weinert, Deputy Director
Division of Codes and Standards

SUBJECT: 2018 Legislative Changes

This Information Bulletin summarizes the 2018 legislative changes to California laws that affect the Division of Codes and Standards. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin become effective January 1, 2019, unless otherwise specified in the legislation.

State Housing Law Program**AB 565 (Bloom) Chapter 573, Statutes of 2018****Building standards: live/work units.**

AB 565 requires the Department of Housing and Community Development (HCD), commencing with the next triennial edition of the California Building Standards Code (CBSC) adopted after January 1, 2019, to develop and submit for approval for clarifications pertaining to the requirements for the construction of live/work units for the California Building Code (CBC) and the California Residential Code (CRC). They are to be submitted for approval to the California Building Standards Commission.

SB 721(Hill) Chapter 445, Statutes of 2018**Building standards: decks and balconies: inspections.**

SB 721 requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural

engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. It also requires the inspections, including any necessary testing, to be completed by January 1, 2025, with certain exceptions, and would require subsequent inspections every 6 years, except as specified. SB721 requires the inspection report to contain specified items and a copy of the inspection report be presented to the owner of the building within 45 days of the completion of the inspection. It requires copies of the reports to be maintained in the building owner's records for 2 inspection cycles, as specified. Furthermore, SB 721 requires that if the inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report be delivered to the owner of the building within 15 days and emergency repairs be undertaken, as specified, with notice given to the local enforcement agency. The nonemergency repairs made under these provisions are required to be completed within 120 days, unless an extension is granted by the local authorities.

SB 721 authorizes local enforcement agencies to recover enforcement costs associated with these requirements. It requires the local enforcement agency to send a 30-day corrective notice to the owner of the building if repairs are not completed on time and provides for specified civil penalties and liens against the property for the owner of the building who fails to comply with these provisions. SB 721 excludes a common interest development, as defined, from these provisions. Additionally, it requires any building subject to these provisions that is proposed for conversion to condominiums to be sold to the public after January 1, 2019, to have the required inspection conducted prior to the first close of escrow of a separate interest in the project. It also requires an inspection report and written confirmation by the inspector that any recommended repairs or replacements have been completed to be submitted to, among others, the Department of Real Estate and included in certain required statements and reports, as specified. Furthermore, it authorizes a local governing entity to enact stricter requirements than those imposed by these provisions. It also allows for the landlord to enter the dwelling unit to comply with the requirements.

SB 966 (Wiener) Chapter 890, Statutes of 2018

Onsite-treated nonpotable water systems.

SB 966, on or before December 1, 2022, requires the State Water Resources Control Board (State Board), in consultation with the California Building Standards Commission and HCD, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water, as provided. It authorizes the State Board to contract with public or private entities regarding the content of the standards.

Furthermore, SB 966 requires a local jurisdiction that elects to establish a program for onsite treated nonpotable water systems to, among other things, adopt, through ordinance, a local program that includes the risk-based water quality standards established by the State Board. It requires that on or before December 1, 2023, HCD, in consultation with the State Board, develops and proposes for adoption any necessary corresponding building standards to support the risk-based water quality standards established by the State Board. SB 966 prohibits an onsite treated nonpotable water

system from being installed except under a program established by a local jurisdiction in compliance with the provisions of SB 966.

SB 969 (Dodd) Chapter 621, Statutes of 2018

Automatic garage door openers: backup batteries.

SB 969, beginning July 1, 2019, requires an automatic garage door opener that is manufactured for sale, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated because of an electrical outage. SB 969 makes it a violation of those provisions subject to a civil penalty of \$1,000. On and after July 1, 2019, SB 969 prohibits a replacement residential garage door from being installed in a manner that connects the door to an existing garage door opener that does not meet the requirements of these provisions.

SB 1226 (Bates) Chapter 1010, Statutes of 2018

Building standards: building permits.

SB 1226 requires HCD to propose the adoption of a building standard to the CBSC that authorizes, when a record of the issuance of a building permit for the construction of an existing residential unit does not exist, the specified enforcement officials to determine when the residential unit was constructed and then apply the State Housing Law, the building standards published in the CBSC, and other specified rules and regulations in effect on that date and issue a retroactive building permit for that construction.

AB 2132 (Levine) Chapter 386, Statutes of 2018

Building permit fees: waiver.

AB 2132 authorizes each city, county, or city and county to waive or reduce all building permit fees for improvements to the home of a person at least 60 years of age with a qualifying disability that are made to accommodate that disability and requires the adoption of an ordinance to establish a standard application form to apply for the waiver or reduction.

AB 2911 (Friedman) Chapter 641, Statutes of 2018

Fire safety.

Current law authorizes a local agency, at its discretion, to exclude from specified requirements governing fire risk reduction an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a specified finding supported by substantial evidence that those requirements are not necessary for effective fire protection within the area. AB 2911 will eliminate the above-described exemption and exclusion and requires a local agency to transmit a copy of any ordinance adopted pursuant to these provisions to the State Board of Forestry and Fire Protection within 30 days of adoption.

Manufactured Housing Program/Mobilehome Parks Program

AB 1943 (Waldron) Chapter 254, Statutes of 2018

Manufactured housing: foundation systems: installation: common interest developments.

AB 1943 specifies that a registered owner of a manufactured home or mobilehome in a mobilehome park that is converted or proposed to be converted to a resident-owned subdivision, stock cooperative, or condominium project, may submit written evidence of that owner's resident ownership in the mobilehome park in order to comply with this requirement. AB 1943 expands the scope of a crime, therefore, imposing a state-mandated local program. AB 1943 was an urgency bill, which was effective upon the governor's signature.

Mobilehome Parks Program

AB 3066 (Stone, Mark) Chapter 774, Statutes of 2018

Mobilehome Residency Law Protection Act.

AB 3066 enacts the Mobilehome Residency Law Protection Act and establishes the Mobilehome Residency Law Protection Program (MRLPP) within HCD beginning July 1, 2020. It requires HCD to provide assistance in resolving and coordinating the resolution of complaints from homeowners relating to the Mobilehome Residency Law (MRL), as provided. AB 3066 requires HCD to refer matters within its jurisdiction to its Division of Codes and Standards and authorize it to refer matters not within its jurisdiction to the appropriate enforcement agency.

AB 3066 requires HCD to use good faith efforts to select the most severe, deleterious and materially and economically impactful of the alleged violations for evaluation under the MRLPP, as provided. It also requires management to provide specified information to HCD within 15 business days from the postmark date or electronic transmission of a request for that information and require the imposition of a noncompliance citation of \$250 for each failure to comply. HCD is required to contract with one or more qualified and experienced nonprofit legal services providers and, if a complaint submitted to MRLPP is not resolved during a 25-day period for negotiation between management and the complaining party, AB 3066 requires the referral of complaints selected for evaluation to an appropriate enforcement agency or one of those nonprofit legal services providers, as provided.

Beginning January 1, 2019, HCD is required to assess upon, and collect from, the management of a mobilehome park subject to the MRL an annual registration fee of \$10 for each permitted mobilehome lot (MRLPP fee) located within the mobilehome park, to be paid at the time of payment of the annual operating fee imposed under the Mobilehome Parks Act. Local Enforcement Agencies must collect the MRLPP fee and forward them to the department. AB 3066 authorizes management to pass all or portion of the MRLPP fee on to the homeowners within the mobilehome park within 90 days of their permit to operate fee. The MRLPP fee must appear as a separate line item on the

bill and include a clear written description of the purpose of charge and department's contact information. It also requires that all moneys collected pursuant to its provisions be deposited into the Mobilehome Dispute Resolution Fund, which AB 3066 establishes, and make those moneys available, upon appropriation by the Legislature, for purposes of implementing the MRLPP, as provided.

On January 1, 2023, AB 3066 requires HCD to submit a written report to the Legislature outlining data collected from the MRLPP and make the report available on its Internet website. It requires that the data collected include specified information. AB 3066 also requires HCD to additionally report certain information to a task force convened pursuant to specified law to provide input to HCD on the conduct and operation of a certain mobilehome park maintenance inspection program. AB 3066 repeals the Mobilehome Residency Law Protection Act as of January 1, 2024.

SB 46 (Leyva) Chapter 835, Statutes of 2018

Mobilehomes: enforcement actions: sunset provision.

SB 46 extends the repeal date of the Mobilehome Parks Act (Act) to January 1, 2024. The Act requires HCD or a city, county, or city and county that assumes responsibility for the enforcement of it to enter and inspect mobilehome parks with a goal of inspecting at least 5% of the parks each year to ensure enforcement of the act and implementing regulations. Furthermore, it requires an enforcement agency to issue notice to correct a violation and provides for procedures for owners or operators to dispute and appeal violation notices, as specified. The Act imposes prescribed fees, including, among others, a fee of \$4 per lot to be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the act, SB 46 extends the repeal of the inspection program and its \$4 fee per lot to January 24, 2024.

SB 1078 (Committee on Transportation and Housing) Chapter 957, Statutes of 2018 Housing.

SB 1078 renames the HCD mobilehome ombudsman as the Mobilehome Assistance Center, requires the Governor to designate a deputy director in HCD for the Mobilehome Assistance Center, and makes conforming changes.

Registration and Titling Program

SB 1130 (Leyva) Chapter 896, Statutes of 2018

Property tax postponement: residential dwelling: manufactured homes.

SB 1130 expands the definition of a "residential dwelling" to include a manufactured home, thereby authorizing a claimant who is the owner of a manufactured home to postpone the payment of property taxes. It requires that on July 1, 2019, and on July 1 each year thereafter, up to 1% of the amount available in the Senior Citizens and Disabled Citizens Property Tax Postponement Fund for disbursements relating to postponement of property taxes to be available for residential dwellings that are manufactured homes. SB 1130 repeals the Senior Citizens Mobilehome Property Tax Postponement Law and, instead, enacts the Senior Citizens Manufactured Home Property Tax Postponement Law, which, commencing July 1, 2019, establishes a

procedure for the postponement of the payment of property taxes of a claimant who is the owner of a manufactured home, as defined. It requires a claimant applying for postponement under this law to file a claim under penalty of perjury, as provided and makes related conforming changes. By requiring a claim for postponement to be filed under penalty of perjury, it expands the crime of perjury, thereby imposing a state-mandated local program.

SB 1130 additionally requires all sums paid by the Controller to be secured by a lien in favor of the state when funds are transferred to the county by the Controller upon a manufactured home situated on real property owned by the claimant for which property taxes have been postponed, as provided. SB 1130, in the case of a manufactured home situated on real property not owned by the claimant, requires the state's interest to be secured by a security agreement in favor of the State of California, as provided. It also requires the Controller to maintain a record of all properties against which HCD has been notified to withhold the transfer of title or permit for transport. SB 1130 requires the Controller, or authorized delegate of the Controller, if at any time the amount of the obligation secured by the lien or security agreement for postponed property taxes is paid in full or otherwise discharged in the case of a manufactured home, to direct certain local tax officials to remove specified information from the secured roll or assessment records, as provided. By imposing new duties upon local tax officials with respect to the removal of information from the secured roll and assessment records, it imposes a state-mandated local program.