

INITIAL STATEMENT OF REASONS

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

SPECIAL OCCUPANCY PARKS

CALIFORNIA CODE OF REGULATIONS

TITLE 25 HOUSING AND COMMUNITY DEVELOPMENT

DIVISION 1. CHAPTER 2.2

SECTIONS 2002 THROUGH 2054, NOT CONSECUTIVE

The California Department of Housing and Community Development's (HCD) mission is to promote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians. HCD's Division of Codes and Standards (C&S) is responsible for the development, administration, adoption, and enforcement of uniform statewide standards for manufactured housing, mobilehomes, mobilehome parks, special occupancy parks (SOP), and employee housing facilities. C&S ensures the health and safety of Californians, protects consumers from fraud and abuse, and safeguards the availability and affordability of housing.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAWS AND REGULATIONS

Special Occupancy Parks Act and Special Occupancy Park Regulations

HCD, and local enforcement agencies approved by HCD to enforce the Special Occupancy Parks Act (Act) and regulations, are responsible for the enforcement of minimum health and safety standards inside of SOPs including, but not limited to, recreational vehicle parks. These minimum health and safety standards regulate the construction, maintenance, occupancy, use, and design of SOPs, safeguard the safety of park occupants, and ensure a decent environment for recreation or temporary occupancy.

SUMMARY OF SECTIONS AFFECTED

Amend: 2002

Adopt: 2054

AUTHORITY AND REFERENCE

The authority and reference for this action occurs through both implied and express authority as described below:

Authority

HCD has express and implied rulemaking authority as provided in:

- Act—Health and Safety Code (HSC) sections 18865, 18865.3, 18871.10, and 18873.

Additionally, HCD has express authority, as provided by HSC section 50406(n), to "do any and all things necessary to carry out its purposes and exercise the

powers expressly granted by this division” [the Housing and Home Finance Act, HSC, section 50000 et. seq.].

The Legislature, through the Act, authorizes HCD to administer these laws and adopt regulations that interpret and make specific this Act.

Reference

HCD is implementing, interpreting, and making specific the following section of the HSC:

- Act—HSC, sections 18862.23, 18862.43, 18863, and 18890.

SUMMARY OF EFFECT OF PROPOSED REGULATORY ACTION

Title 25. Housing and Community Development Division 1. Housing and Community Development Chapter 2.2. Special Occupancy Parks

1. Amend Section 2002. Definitions

HCD proposes to amend this section by adding a new definition for the term “low-impact camping area” to clarify the meaning of this term that is used throughout this chapter. This amendment is reasonably necessary because “low-impact camping area” has not otherwise been defined in the regulations. HCD proposes to update authority and references in this section consistent with the proposals in this rulemaking.

2. Adopt Section 2054. Low-impact Camping Area Reporting

HCD proposes adding this section to establish reporting requirements for counties that adopt a low-impact camping area ordinance. HCD is proposing to add specific requirements for counties to submit their ordinances electronically.

This information ensures that HCD’s ordinance records system is accurate by requiring counties to submit their low-impact camping area ordinances to HCD.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None
- Costs or savings to any state agencies: None
- Costs or savings to local agencies or school districts, which must be reimbursed in accordance with part 7 (commencing with section 17500) of division 4 of the Government Code: None
- Other nondiscretionary costs or savings imposed on local agencies: None
- Costs or savings in federal funding to the state: None

BUSINESS IMPACT STATEMENT

HCD has initially determined that this regulatory action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

SMALL BUSINESS IMPACT STATEMENT

HCD has determined that the proposed regulations will not affect small businesses. The regulations seek to clarify terms and reporting responsibilities for counties that adopt an ordinance authorizing low-impact camping areas within their jurisdiction.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD has made an initial determination that the proposed regulatory action would not have an impact on private individuals or small businesses as the proposed amendments only seek to clarify and make specific the governing statute.

ECONOMIC IMPACT ANALYSIS-ASSESSMENT

HCD is proposing changes to the special occupancy parks regulations that clarify terms, update authority and references, and delineate specific requirements for counties to submit their low-impact camping area ordinances electronically.

Key areas that these proposed regulations address include:

- Clarify terms used in the special occupancy park regulations.
- Updates authority and reference citations.
- Provides counties information to assist in submitting low-impact camping area ordinances to HCD.

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The regulations seek to clarify terms and reporting responsibilities for counties that adopt an ordinance authorizing low-impact camping areas within their jurisdiction. Therefore, no jobs in California will be created or eliminated.

CREATION OF NEW OR ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The regulations seek to clarify terms and reporting responsibilities for counties that adopt an ordinance authorizing low-impact camping areas within their jurisdiction. Therefore, no new businesses in California will be created or existing businesses eliminated.

EXPANSION OF BUSINESSES OR ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The regulations seek to clarify terms and reporting responsibilities for counties that adopt an ordinance authorizing low-impact camping areas within their jurisdiction. Therefore, no existing businesses in California will be expanded or eliminated.

HEALTH AND WELFARE BENEFITS FOR CALIFORNIA RESIDENTS, WORKER SAFETY AND THE STATE'S ENVIRONMENT

The proposed regulatory action is designed to assist HCD with maintaining minimum health and safety standards in SOPs by clarifying terms and reporting requirements for counties that adopt an ordinance authorizing low-impact camping areas within their jurisdiction. These regulations may indirectly benefit the health and welfare of California residents by supporting enforcement of existing laws and regulations enforced by HCD and local enforcement agencies. HCD has determined that these proposed regulations present no benefits to worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would "be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law."

HCD continues to support the statement made in the Notice of Proposed Action that "Based on HCD's considerations, no reasonable alternative would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law."

STUDIES, REPORTS, AND SIMILAR DOCUMENTS

There were no written studies or reports relied upon in preparing the proposed rulemaking.

SPECIFIC TECHNOLOGIES AND EQUIPMENT

This proposed rulemaking action requires the electronic submission and exchange of documentation between counties and HCD by email, the internet, web portal, or other digital programs or database as established by HCD. While HCD will require the use of these technologies to exchange documentation/information, HCD will not charge a fee for the electronic submission, will not require the use of special software, and mandatory electronic submissions will not apply to the general public, only public agencies (i.e., counties). At this time, HCD is unaware of additional alternative ways, others than those noted above, to submit documents electronically.