

INITIAL STATEMENT OF REASONS

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

EMPLOYEE HOUSING, MOBILEHOME PARKS, AND SPECIAL OCCUPACY PARKS PROGRAMS

CALIFORNIA CODE OF REGULATIONS

TITLE 25 HOUSING AND COMMUNITY DEVELOPMENT, DIVISION 1.

CHAPTER 1, SUBCHAPTER 3, SECTIONS 610, 621, 621.5, 631, 633, 760, AND 762

CHAPTER 2 AND 2.2 SECTIONS 1002 THROUGH 1609, NOT CONSECUTIVE SECTIONS 2002 THROUGH 2609, NOT CONSECUTIVE

The California Department of Housing and Community Development (HCD) mission is to promote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians. HCD's Division of Codes and Standards (Codes) is responsible for the development, administration, adoption, and enforcement of uniform statewide standards for manufactured housing, mobilehomes, mobilehome parks, special occupancy parks, and employee housing facilities. Codes 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

Employee Housing Act (EHA)

HCD is responsible for promulgating statewide preemptive regulations relating to the maintenance, use, and occupancy of employee housing (EH). EH is defined as private housing accommodations provided for five or more employees and is defined in Health and Safety Code (HSC) section 17008.

Mobilehome Parks Act (MPA)

HCD and local enforcement agencies (LEAs) approved by HCD are responsible for the enforcement and regulation of minimum health and safety standards inside mobilehome parks (MPs). These minimum health and safety standards regulate construction, maintenance, occupancy, use, and design of MPs and are required to guarantee park residents protection of their manufactured home/mobilehome investment and a decent living environment. These mandates safeguard the habitability and affordability of this housing source.

Special Occupancy Parks Act (SOPA)

HCD and LEAs approved by HCD are responsible for the enforcement and regulation of minimum health and safety standards inside privately owned special occupancy parks (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 and are required to guarantee the safety of park occupants and ensure a decent environment for recreation or temporary occupancy.

SUMMARY OF SECTIONS AFFECTED

Amend: 610, 621, 631, 633, 760, 1002, 1004, 1005, 1006.5, 1010, 1012, 1013, 1018, 1020.6, 1032, 1038, 1042, 1102, 1185, 1317, 1426, 1514, 2002, 2004, 2004.5, 2005, 2006.5, 2010, 2012, 2013, 2018, 2020.6, 2032, 2038, 2042, 2102, 2185, 2317, 2426, and 2514

Add: 621.5, 1123, 1609, 2123, and 2609.5

Repeal: 762

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:

- MPA—Health and Safety Code (HSC) sections 18300, 18605, 18610, 18670, and 18691
- SOPA—HSC sections 18865, 18865.05, 18865.3 18870.3, 18871.10, 18872, 18873, and 18873.5
- EHA—HSC sections 17003.5, 17036, 17040, and 17050

Additionally, HCD has express authority, as provided by HSC section 50406, subdivision (n), to “do any and all things necessary to carry out its purposes and exercise the powers expressly granted by this division [Division 31, commencing with Section 50000].”

The Legislature, through the EHA, MPA and SOPA (collectively “Acts”), authorizes HCD to administer these laws and adopt regulations that interpret and make specific these Acts.

Reference

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

- MPA—HSC sections 18300, 18605, 18610, 18670, and 18691
- SOPA—HSC sections 18865, 18865.05, 18865.3 18870.3, 18871.10, 18872, 18873, and 18873.5
- EHA—HSC sections 17003.5, 17008, 17021, 17031, 17031.3, 17031.4, 17032,

SUMMARY OF EFFECT OF PROPOSED REGULATORY ACTION

**Title 25. Housing and Community Development
Division 1. Housing and Community Development
Chapter 1. State Housing Law Regulations and Earthquake Protection Law
Regulation
Subchapter 3. Employee Housing**

1. Amend Section 610. Definitions

HCD proposes to amend this section by adding new definitions for the terms “electronic” or “electronically” to clarify the meaning of these terms that are used throughout this subchapter. Defining these terms facilitates and supports implementation of digital transactions with the enforcement agency including digital/electronic submittals with digital or electronic signatures, conforming to common practices in the industry, saving time and cost to both the applicants and the department. HCD proposes to assign letter categories for defined terms by adding letters and numbers for all definitions in this section similar to what is codified in the Mobilehome Parks and Special Occupancy Parks regulations, sections 1004 and 2004.

2. Amend Section 621. Local Assumption of Enforcement Responsibility

HCD proposes to amend this section to add requirements for local assumption of enforcement responsibilities like those in the Mobilehome Parks and Special Occupancy Parks regulations, sections 1004(a)(3) and 2004(a)(3). The proposed changes in subsection (a)(3) will require that a local enforcement agency (LEA) affirmatively state that the LEA will provide qualified personnel necessary to enforce Part 1 of Division 13 of the Health and Safety Code, and the provisions of the Employee Housing regulations. Additionally, the statement shall include the total number of personnel assigned to the program. LEAs act on behalf of HCD to enforce the EHA and regulations within their jurisdiction, so it is critical for HCD to be informed of this key information about LEA’s ability to conduct proper enforcement.

HCD also proposes amendments in subsection (b) to clarify that only one copy of an ordinance, resolution or minute order of the city council or board of supervisors is required to be submitted to HCD by the LEA; this change supports the use of electronic submittals as proposed in separate action in this rulemaking.

HCD is also proposing amendment of subsection (e) to clarify that after the department approves the LEA inspection personnel the department will electronically forward a list of all labor camps and employee community housing facilities with permits to operate on the effective date of assumption of responsibility together with the inspection reports and the pertinent data as required.

HCD is also proposing in subsection (h) to add specific requirements that prospective county or city/county LEAs must submit a list electronically to the department of the incorporated cities within the county that are and are not under the control of the county or city and county; and a list of the unincorporated cities that

are not and are not under the control of the county or city and county. This will provide clarity of the applicable enforcement agency in incorporated and unincorporated cities which is currently not reported to HCD.

HCD is also proposing to add requirements in subsection (i) that existing LEAs submit notification to HCD when any changes are made to the incorporated and unincorporated cities within their county that are no longer under the county's control or become part of their area of oversight as an LEA.

3. Add Section 621.5 Local Enforcement Agency Cancellation

HCD proposes to add this new section consistent with existing requirements in the Mobilehome Parks and Special Occupancy Parks regulations in sections 1005 and 2005 of chapter 2 and 2.2. The existing regulations do not currently provide a pathway for cancellation for employee housing LEAs requesting to cancel their enforcement responsibility. This proposed new section clarifies the process and procedures for cancellation of enforcement responsibility consistent with existing processes outlined in the Mobilehome Parks Act and Special Occupancy Parks Act and regulations. The proposed section includes a timeline to submit the cancellation request, requirements to include official action of the city council or board of supervisors repealing enforcement responsibility, the method for payment of appropriate fees, transmittal of facility records, and the process to reassume enforcement in the future. Additional requirements are proposed regarding electronic submittals to HCD.

Authority and Reference—HCD proposes to add sections 17003.5 and 17050 of the Health and Safety Code as authority and section 17050 of the Health and Safety Code as reference to provide the proper authority and references regarding development of regulations and HCD's authority to establish regulations for local enforcement agencies.

4. Amend Section 631. Application for a Permit to Operate a Labor Camp

HCD proposes to amend this section to clarify that permit to operate applications must be on the forms required by the enforcement agency, which may be hard copy or electronic forms. HCD also proposes to relocate existing text from subsection (a) related to triggers for amended permit to operate to a new subsection (b), and renumber subsections due to addition of new subsection (b). HCD also proposes to remove the reference to an administrative office, as there are additional ways to submit applications and information to HCD including electronic or online submittals.

5. Amend Section 633. Exemption for Employee Community Housing

HCD proposes to amend this section to provide that transactions must be on forms required by HCD, which may be hard copy or digital forms.

6. Amend Section 760. Toilet and Bathing Facilities

HCD proposes to amend this section to remove gender specific terms used regarding the types of facilities provided with urinals.

HCD proposes to align authority and references cited with the remainder of the chapter by striking out referencing subsection.

7. Repeal Section 762. Identification

HCD proposes to repeal this section and rely on an existing pointer in section 652, to the California Plumbing Code (CPC), for building standards associated with identification for toilet and bathing facilities. This will allow the use of CPC terms and toilet and bathing facility signage and symbols requirements based on the type of facility.

Title 25. Housing and Community Development Division 1. Housing and Community Development Chapter 2. Mobilehome Parks and Installations

8. Amend Section 1002. Definitions

HCD proposes to amend section 1002 Definitions, as follows:

Sections (d)(1–6)—HCD proposes to add the definition of “Deck” to provide clarification that a deck has the same meaning as “porch” as defined in section 1002 (p)(7). The common industry term is “deck” and providing clarification that the term “porch”, as used in this chapter, would have the same meaning as “deck” will aid in the application of the regulations. Additional renumbering is proposed to account for the newly proposed definition.

Sections (e)(7–15)—HCD proposes to add the definition of “Electronic or Electronically” to clarify the term as used throughout the chapter. With changes in technology and the broader use of email, the internet, and web portals, HCD is proposing to provide this definition to clarify electronic transactions are another option for customers which provide a more efficient and accessible method for those that prefer digital transactions. Additional renumbering is proposed to account for the newly proposed definition.

Sections (f)(8)(A–O)—HCD proposes to update regulated forms that have remained unchanged since 2004, and in the case of the Private Fire Hydrant Test And Certification Report, HCD MP 532, since 2007. HCD proposes to discontinue the Permit to Operate application forms HCD 500, and HCD 500A, and identify the application requirements in section 1006.5. These proposed form updates include current HCD address, phone numbers, email address for the department, font compliance with the Americans with Disabilities Act (ADA) guidelines, and park type designation. HCD is also proposing to clarify that all forms prescribed in this chapter may come in the form of hard copy or an electronic version. Additional renumbering is proposed to account for forms that are proposed for repeal in this rulemaking. See Attachment A for the current and proposed forms.

Sections (i)(1–4)—HCD proposes to provide a definition of an “in-ground pool” to clarify the term as used throughout the chapter. This definition aids in clarifying what constitutes an in-ground pool. Additional renumbering is proposed to account for the newly proposed definition.

Section (p)(4)—HCD proposes to amend the definition of “Permanent Building” to “Permanent Building or Structure” to align with industry terminology and provide additional clarity on its use throughout this chapter. The existing definition of

permanent building clarifies what type of structures are considered permanent. This proposal seeks to provide additional clarification on new emerging permanent structures or buildings (e.g., ground-mounted solar systems, solar canopies, and permanent in-ground pools) that are proposed for use in mobilehome parks are also considered permanent buildings or structures.

Section (r)(3)—HCD proposes to add the definition “Recreational Vehicle” to clarify the term as used throughout this chapter. Recreational Vehicle and Recreational Vehicle-Park Trailers (collectively, “RVs”) are defined in the Health and Safety Code and are incorporated by reference in this proposal. Recreational Vehicle Industry Association (RVIA), the developer and publisher of the standards that apply to currently produced RVs (i.e., NFPA 1192 and ANSI A119.5), clarified that RVs cannot include multiple dwelling units/living quarters on a single chassis. HCD provides this additional clarification and reference to statutory definitions.

Section (s)(6)—HCD proposes to amend the definition of “Signed” to clarify the term as used throughout this chapter. HCD is proposing this amendment to add “electronic” to allow for transactions with the department including hard copy application and the use of digital/electronic submissions with digital or electronic signatures, conforming to common practices in the industry, saving time and cost to both the applicants and the department.

Authority and Reference—HCD proposes to add section 18210 of the Health and Safety Code to the existing list of references to provide the user reference to the statutory defined term “Lot” as proposed in subsection (l)(6) within this proposal.

9. Amend Section 1004. Local Enforcement

HCD proposes to amend this section to clarify that an ordinance, resolution, or the minute order of the city council or board of supervisors shall be submitted to the department electronically as part of the application to become a local enforcement agency (LEA).

HCD is also proposing that, in addition to the existing application information required for an LEA, prospective city/county LEAs must also submit with their initial application a list of incorporated cities that are both under their oversight and those that are not. This will provide clarification to HCD on which cities are, or are not, within a LEAs jurisdiction.

HCD also proposes to remove reference to the outdated “Administrative Office of the Division of Codes and Standards” and require electronic submittals.

HCD is proposing to remove reference to form HCD 500A to harmonize with proposed amendments in section 1002 and to update form names. Additional renumber is proposed to accommodate amendments in this section.

HCD is proposing that an LEA shall electronically submit their local permits to operate and changes to their local programs to HCD electronically.

HCD is proposing that existing LEAs must submit notification to HCD when any changes are made to cities within their county that either are no longer under the county’s control or become part of the area of oversight of an LEA.

10. Amend Section 1005. Local Government's Cancellation of Enforcement Responsibility

HCD proposes to amend this section to clarify that local enforcement agencies proposing to relinquish enforcement authority shall submit all necessary documents and information within section 1005 electronically to the department. Allowing for electronic submissions conforms to common practices in the industry, saving time and cost to both the local enforcement agencies and the department.

HCD proposes to amend this section to clarify that an ordinance, resolution, or the minute order of the city council or board of supervisors repealing enforcement responsibility shall be submitted to the department electronically.

11. Amend Section 1006.5. Permit to Operate Required

HCD proposes to amend this section to identify the information required to apply for an original and amended annual permit to operate in this section. Forms previously defined in sections 1002(f)(8)(E) and 1002(f)(8)(L) are proposed for repeal and replaced with specific requirements that must be included in a original or amended permit to operate application; this will streamline the application requirements for the department and enforcement agencies and improve record keeping by requiring contact information for owners, operators, or managers. These proposed updates are also a result of chaptering of Senate Bill 869 (Leyva, 2023) (SB 869) which requires park manager training for all mobilehome parks and recreational vehicle parks in California, unless otherwise exempt. The additional information collected with the permit to operate supports the implementation of SB 869.

HCD proposes to require a copy of the recorded deed when a park is transferring ownership, this ensures the department only transfers and issues permits to operate to the new legal owner.

HCD also proposes to clarify that if a park has failed to renew their permit to operate, the park may be subject to existing statutory penalties and fines and that their permit to operate may be suspended for failure to renew.

Authority and Reference—HCD proposes to add sections 18510 and 18700 of the Health and Safety Code as references to provide the user proper access to the permit to operate suspension and penalty statutory provisions.

12. Amend Section 1010. Permit to Operate—Construction Completed

HCD proposes to amend this section to clarify that local enforcement agencies shall electronically submit all necessary documents and information specified in section 1010 to the department; and to align amendments proposed in this rulemaking in section 1006.5. Allowing for electronic submissions conforms to common practices in the industry, saving time and cost to both the local enforcement agencies and the department.

HCD also proposes to renumber the reference to forms from section 1002 to section 1006.5 to provide the updated reference to align with proposals in this rulemaking.

HCD proposes to amend this section to remove an outdated reference to a P.O. Box and clarify LEA submissions to HCD shall be electronic.

13. Amend Section 1012. Department Copies of the Annual Permit to Operate and Related Fees

HCD proposes to amend this section to clarify that local enforcement agencies shall electronically submit all necessary documents and information specified in section 1012 to the department. Allowing for electronic submissions conforms to common practices in the industry, saving time and cost to both the local enforcement agencies and the department. HCD also proposes to remove the reference to forms the department is discontinuing use of.

14. Amend Section 1013. Emergency Preparedness Plans

HCD proposes to amend this section to update the appropriate publisher and agency name to the California Governor's Office of Emergency Services, which has changed since the previous iteration of these regulations.

15. Amend Section 1018. Permits Required or Not Required

HCD proposes to amend this section to clarify in section 1018 subsection (d)(7) that a permit exemption only applies to temporary awnings or carports. HCD also proposes to update the permit exemption requirements for fences to seven feet for consistency with permit exemptions for fences in section R105.2(2) of the 2022 California Residential Code and section 105.2(2) of the 2022 California Building Code.

16. Amend Section 1020.6. Application Requirements for Permits for Park Construction or Alteration

HCD proposes to amend this section to clarify that written evidence of approval is required from specified agencies for proposals to enlarge a park, install multifamily manufactured homes, and for permits to construct that include park alterations. This will ensure that local agencies have influence on construction that may impact local requirements or services.

17. Amend Section 1032. Permit Applications—Required Approvals

HCD proposes to amend this section to clarify that written evidence of approval is required from specified agencies for proposals to enlarge a park, install multifamily manufactured homes, and for permits to construct that include park alterations. This will ensure that local agencies have influence on construction that may impact local requirements or services.

HCD also proposes to clarify that local written approval is required to be obtained by the applicant for work that is associated with permanent buildings or structures that impact local services.

18. Amend Section 1038. Extension of Permit to Construct

HCD proposes to amend this section to modify the section title and the permit to construct expiration and extension requirements and to renumber subsections and align those requirements in the governing statute, Health and Safety Code section 18509. Generally, three different scenarios exist where a permit to construct expires or is closed and deemed invalid.

The first proposed amendment, proposed subsection (a), applies when a permit to construct has been issued for six months and no request for inspection or extension occurs. In those cases, the permit may be extended one time but would otherwise expire six months from issuance.

The second proposed amendment, proposed subsection (b), applies when inspection requests occur within the first six months from the initial issuance a permit and may be extended up to two years.

The third proposed amendment, proposed subsection (c), applies when a permit to construct application and any supporting documents have been submitted to the enforcement agency, but the applicant fails to complete the application process, pay the appropriate fees, or correct a deficient application. In those cases, the application shall be deemed invalid and closed after six months.

In all cases, the permit to construct fees shall be forfeited when a permit to construct is deemed expired or invalid/closed. This will aid in standardizing the permit to construct expiration and closure for all enforcement agencies and will assist in purging applications that have been open for an extended period where no action has occurred.

19. Amend Section 1042. Swimming Pools

HCD proposes to amend this section to clarify the responsibility for permitting and inspections for construction of pools in mobilehome parks. The local environmental health agency has the authority to conduct conceptual plan approval for proposed pools within parks, however, the enforcement agencies retain the plan review, permitting, and inspection authority.

HCD proposes to clarify that in-ground swimming pools are generally not permitted on lots within mobilehome parks, except when the lot occupant is the individual owner of the property which is subdivided for individual ownership, which is not owned by a park owner or resident ownership.

This proposal harmonizes with HCD's adoption of chapter 31B of the California Building Code during the 2021 Triennial Code Adoption Cycle for public pools.

20. Amend Section 1102. Responsibility

HCD proposes to amend subsection (d) of this section to clarify that the operator of a park shall not permit, among the existing requirements, a unit, accessory building or structure, building component, or park utility to be altered unless it is done so in compliance with the requirements of chapter 2 of these regulations.

21. Add Section 1123. General Lot Access

HCD proposes to add new section 1123 to clarify the general lot access requirements. Currently, the regulations are not explicit on access associated with lot utilities and stairway installations or if the installation locations should allow clearance/access to all parts of the lot. If a stairway or lot utility such as power, water, gas, or other utility service is installed in a way that would not allow for emergency egress or emergency service personnel to access any part of the property, it may impact the ability to respond or access the area for emergency or medical response.

Authority and Reference—HCD proposes to add sections 18300 and 18691 of the Health and Safety Code as authority and sections 18610 and 18691 of the Health and Safety Code as references to provide the proper authority and references regarding development of regulations and HCD's authority to establish regulations for fire protection and those which protect the safety and general welfare of residents and the use of lots within mobilehome parks.

22. Amend Section 1185. Electrical Appliances, Equipment, and Air Conditioning

HCD proposes to amend this section to clarify in subsection (d) that fuel-gas-burning HVAC condensing units and electric heat pumps associated with space and water heating equipment may be installed outside of units if in compliance with these regulations and the manufacturer's listing and installation requirements. HCD also proposes to clarify that no other appliance may be installed outside of units. This proposal supports state climate goals, including the installation of electric heat pumps in residential homes throughout the State.

23. Amend Section 1317. Private Fire Hydrant Test and Certification

HCD proposes to amend this section to clarify in subsection (a) that park owners/operators that have applied for an exemption for private fire hydrants within a park are only required to submit the initial exemption to the enforcement agency and not every year at annual renewal of the park permit to operate. The proposed amendments clarify that upon initial submittal and approval by the enforcement agency, the park owner/operator is not required to submit the exemption each year thereafter unless any conditions for the exemption change.

24. Amend section 1426. Accessory Buildings or Structures and Building Components Installed in Fire Hazard Severity Zones

HCD proposes to amend this section to update a reference to the California Residential Code (CRC) in this section from "R327" to "R337". Amendments to the 2016 CRC included renumbering section R327 to R337, however the renumbering was not updated in title 25, and is now proposed to be corrected.

HCD also proposes to identify the provisions within CRC section R337 (i.e., Vegetation Management Compliance and Alternates for Materials, Design, Tests and Methods of Construction) that are not adopted and incorporated by reference in the CRC and remove references to specific section numbers in the CRC. This proposal is necessary to harmonize with the Office of the State Fire Marshal's

relocation of R337 into a new part of title 24, part 7. There is no change in regulatory effect.

25. Amend Section 1514. Fence Height and Location

HCD proposes to amend subsection (a) of this section to update the height limitation for fences from six feet to seven feet for consistency with permit exemptions for fences up to seven feet high in section R105.2(2) of the 2022 California Residential Code and section 105.2(2) of the 2022 California Building Code.

26. Add Section 1609. General and Administrative - Substandard Conditions and Nuisances

HCD proposes to add new section 1609 addressing substandard conditions and nuisances in areas that do not fall into existing sections 1605–1608, that are of a general nature, and do not directly apply to permanent buildings, MH-units, recreational vehicles, accessory buildings, structures, and building components. The proposed subsections (a) (1–6) identify conditions or situations that would impact the park at-large and are proposed as substandard conditions and a nuisance if they endanger the life, limb, health, property, safety, or welfare of occupants or the public.

HCD proposes to add sections (a)(1–3) that specifies failure of the park owner, operator, or agent to renew their permit to operate, failure to provide access to potable water, or failure to meet their obligations as a park owner, operator, or agent in section 1102, shall be deemed substandard conditions and a nuisance.

HCD proposes to add section (a)(4) to specify that if a unit owner fails to meet their responsibility in section 1102, the enforcement agency shall deem the park to be substandard and a nuisance.

HCD proposes to add section (a)(5) that specifies any violator that has failed to correct cited violations by the enforcement agency where six or more months have passed, it shall be deemed substandard and a nuisance by the enforcement agency.

HCD proposes to add section (a)(6) that specifies any nuisances, as defined in this chapter, includes those nuisances defined in sections 3479, 3481, and 3480 of the Civil Code and section 370 of the Penal Code and shall be considered substandard and a nuisance.

Authority and Reference—HCD proposes to add section 18300 of the Health and Safety Code as authority and sections 18402, 18404, 18500, and 18550 of the Health and Safety Code as references to provide the proper authority and references regarding the development of regulations and HCD’s authority to establish regulations for abatement of nuisances, addressing violation of this chapter, permit to operate requirements, and unlawful use within mobilehome parks.

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

27. Amend Section 2002. Definitions

HCD proposes to amend section 2002 Definitions, as follows:

Section (d)(1–6)—HCD proposes to adopt a new definition of “deck” to clarify that a “deck” has the same meaning as “porch” as defined in section 2002 (p)(7). The common industry term is “deck” and providing clarification that the term “porch”, as used in this chapter, would have the same meaning as “deck” will aid in the application of the regulations. Renumbering is proposed to account for the newly proposed definition.

Sections (e)(6–11)— HCD proposes to amend this section by defining new terms “electronic” or “electronically” to clarify the meaning of these terms that are used throughout this subchapter. Defining these terms facilitates and supports digital transactions with the enforcement agency including digital/electronic submissions with digital or electronic signatures, conforming to common practices in the industry, saving time and cost to both the applicants and the department. Renumbering is proposed to accommodate the newly proposed subsections.

Sections (f)(8)(A–N)—HCD proposes to update regulated forms that have remained unchanged since 2004, and in the case of the Private Fire Hydrant Test And Certification Report, HCD MP 532, since 2007. HCD proposes to discontinue the Permit to Operate application forms HCD 500 and HCD 500A and identify the application requirements in section 2006.5. These proposed form updates provide current addresses, phone numbers, and email address for the department, and compliance with the Americans with Disabilities Act (ADA) guidelines text requirements, and park type designation. Renumbering is proposed to account for forms that are proposed for repeal in this rulemaking. See Attachment A for the current and proposed forms.

Sections (i) (1–5)—HCD proposes to provide a definition of an “in-ground pool” to clarify the term as used throughout the chapter. This definition aids in clarifying what constitutes an in-ground pool and how in-ground pools may be used within special occupancy parks. Additional renumbering is proposed to account for the newly proposed definition.

Section (p)(4)—HCD proposes to amend the definition of “Permanent Building” to “Permanent Building or Structure” to align with industry terminology and provide additional clarity on its use throughout this chapter. The existing definition of permanent building clarifies what type of structures are considered permanent. This proposal seeks to provide additional clarification on new emerging permanent structures or buildings (e.g., ground-mounted solar systems, solar canopies, and permanent in-ground pools) that are proposed for use in special occupancy parks are also considered permanent buildings or structures.

Section (r)(3)— HCD proposes to add the definition “Recreational Vehicle” to clarify the term as used throughout this chapter. Recreational Vehicle and Recreational Vehicle-Park Trailers (collectively, “RVs”) are defined in the Health and Safety Code and are incorporated by reference in this proposal. Recreational Vehicle Industry Association (RVIA), the developer and publisher of the standards that apply to currently produced RVs (i.e., NFPA 1192 and ANSI A119.5), clarified that RVs

cannot include multiple dwelling units/living quarters on a single chassis. HCD provides this additional clarification and reference to statutory definitions.

Section (s)(6)—HCD proposes to amend the definition of “Signed” to clarify the term as used throughout this chapter. HCD is proposing this amendment to add “electronic” to allow for transactions with the department including hard copy application and the use of digital/electronic submissions with digital or electronic signatures, conforming to common practices in the industry, saving time and cost to both the applicants and the department.

Authority and Reference—HCD proposes to add section 18862.23 of the Health and Safety Code to the existing list of references to provide the user reference to the statutory defined term “Lot” as proposed in 2002 subsection (l)(5) within this proposal.

28. Amend Section 2004. Local Enforcement

HCD proposes to amend this section to clarify that an ordinance, resolution, or the minute order of the city council or board of supervisors shall be submitted to the department electronically as part of the application to become a local enforcement agency (LEA).

HCD is also proposing that, in addition to the existing application information required for an LEA, prospective city/county LEAs must also submit with their initial application a list of incorporated cities that are both under their oversight and those that are not. This will provide clarification to HCD on which cities are, or are not, within a LEAs jurisdiction.

HCD also proposes to remove reference to the outdated “Administrative Office of the Division of Codes and Standards” and require electronic submittals.

HCD is proposing to remove reference to form HCD 500A to harmonize with proposed amendments in section 2002 and to update form names. Additional renumbering is proposed to accommodate amendments in this section.

HCD is proposing that an LEA shall submit their local permits to operate and changes to their local programs to HCD electronically.

HCD is proposing that existing LEAs must submit notification to HCD when any changes are made to cities within their county that either are no longer under the county’s control or become part of the area of oversight of an LEA.

29. Amend Section 2004.5. Complaint Investigations

HCD proposes to amend subsection (b) of this section to correct and update the term “Office of the Mobilehome Ombudsman (Office)” to the “Mobilehome Assistance Center (MAC)” and “Office” to “MAC” to align with statutory updates to the program name that were effective January 1, 2019, under Senate Bill 1078 (2018) impacting division 13, part 2, chapter 9 of the Health and Safety Code.

30. Amend Section 2005. Local Government's Cancellation of Enforcement Responsibility

HCD proposes to amend this section to clarify that local enforcement agencies proposing to relinquish enforcement authority shall submit all necessary documents and information within section 2005 electronically to the department. Allowing for electronic submissions conforms to common practices in the industry, saving time and cost to both the local enforcement agencies and the department.

HCD proposes to amend this section to clarify that an ordinance, resolution, or the minute order of the city council or board of supervisors repealing enforcement responsibility shall be submitted to the department electronically.

31. Amend Section 2006.5. Permit to Operate Required

HCD proposes to amend this section to identify the information required to apply for an original and amended annual permit to operate in this section. Forms previously defined in sections 2002(f)(8)(E) and 2002(f)(8)(K) are proposed for repeal and replaced with specific requirements that must be included in an original or amended permit to operate application; this amendment will streamline the application requirements for the department and enforcement agencies and improve record keeping by requiring contact information for owners, operators, or managers. These proposed updates are also a result of chaptering of Senate Bill 869 (Leyva, 2023) (SB 869) which requires park manager training for all mobilehome parks and recreational vehicle parks in California, unless otherwise exempt. The additional information collected with the permit to operate supports the implementation of SB 869.

HCD proposes to require a copy of the recorded deed when a park is transferring ownership, this ensures the department only transfers and issues permits to operate to the new legal owner.

HCD proposes to clarify that applications for permits to operate for incidental camping areas are required by enforcement agencies and only one set of plot plans, required descriptions, and statements must be submitted, instead of two sets.

HCD also proposes to clarify that if a park has failed to renew their permit to operate, the park may be subject to existing statutory penalties and fines and that their permit to operate may be suspended for failure to renew.

Authority and Reference—HCD proposes to add sections 18870.11 and 18874 of the Health and Safety Code as references to provide the user proper access to the permit to operate suspension and penalty statutory provisions.

32. Amend Section 2010. Permit to Operate—Construction Completed

HCD proposes to amend this section to clarify that local enforcement agencies shall electronically submit all necessary documents and information specified in section 2010 to the department. Allowing for electronic submissions conforms to common practices in the industry, saving time and cost to both the local enforcement agencies and the department.

HCD also proposes to renumber the reference to forms in section 2002 to 2006.5 to provide the updated reference to align with proposals in this rulemaking.

HCD proposes to amend this section to remove an outdated reference to a P.O. Box and clarify that LEA submissions to HCD shall be electronic.

33. Amend Section 2012. Department Copies of the Annual Permit to Operate and Related Fees.

HCD proposes to amend this section to clarify that local enforcement agencies shall electronically submit all necessary documents and information specified in section 2012 to the department. Allowing for electronic submissions conforms to common practices in the industry, saving time and cost to both the local enforcement agencies and the department. HCD also proposes to remove the reference to forms the department is discontinuing use of. HCD proposes to update an incorrect Reference to Health and Safety Code section “118870.3” to Health and Safety Code section “18870.3”

34. Amend Section 2013. Emergency Preparedness Plans.

HCD proposes to amend this section to update the appropriate publisher and agency name to the California Governor’s Office of Emergency Services, which has changed since the previous iteration of these regulations.

35. Amend Section 2018. Permits Required or Not Required

HCD proposes to amend this section to clarify in section 2018 subsection (d)(7) that a permit exemption only applies to temporary awnings or carports. HCD also proposes to update the permit exemption requirements for fences to seven feet for consistency with permit exemptions for fences in section R105.2(2) of the 2022 California Residential Code and section 105.2(2) of the 2022 California Building Code.

36. Amend Section 2020.6. Application Requirements for Permits for Park Construction or Alteration

HCD proposes to amend this section to clarify that written evidence of approval is required from specified agencies for proposals to enlarge a park and for permits to construct that include park alterations. This will ensure that local agencies have influence on construction that may impact local requirements or services.

37. Amend Section 2032. Permit Applications—Required Approvals

HCD proposes to amend this section to clarify that written evidence of approval is required from specified agencies for proposals to enlarge a park and for permits to construct that include park alterations. This amendment will ensure that local agencies have influence on construction that may impact local requirements or services.

HCD also proposes to clarify that local written approval is required to be obtained by the applicant for work that is associated with permanent building(s) or structure(s) that impacts local services.

38. Amend Section 2038. Extension of Permit to Construct

HCD proposes to amend this section to modify the section title and the permit to construct expiration and extension requirements, and to renumber subsections and align those requirements in the governing statute, Health and Safety Code section 18870.10. Generally, three different scenarios exist where a permit to construct expires or is closed and deemed invalid.

The first proposed amendment, proposed subsection (a), applies when a permit to construct has been issued for six months and no request for inspection or extension occurs. In those cases, the permit may be extended one time but would otherwise expire six months from issuance.

The second proposed amendment, proposed subsection (b), applies when inspection requests occur within the first six months from the initial issuance of a permit which may be extended up to two years.

The third proposed amendment, proposed subsection (c), applies when a permit to construct application and any supporting documents have been submitted to the enforcement agency, but the applicant fails to complete the application process, pay the appropriate fees, or correct a deficient application. In those cases, the application shall be deemed invalid and closed after six months.

In all cases, the permit to construct fees shall be forfeited when a permit to construct is deemed expired or invalid/closed. This will aid in standardizing the permit to construct expiration and closure for all enforcement agencies and will aid in purging applications that have been open for an extended period where no action has occurred.

39. Amend Section 2042. Swimming Pools

HCD proposes to amend this section to clarify the responsibility for permitting and inspecting the construction of pools in special occupancy parks. The local environmental health agency has the authority to conduct conceptual plan approval for proposed pools within parks, however, the appropriate enforcement agencies retain the plan review, permitting, and inspection authority.

HCD proposes to clarify that in-ground swimming pools are generally not permitted on lots within special occupancy parks, except when the lot occupant is the individual owner of the property which is subdivided for individual ownership, which is not owned by a park owner or resident ownership.

This proposal harmonizes with HCD's adoption of chapter 31B of the California Building Code during the 2021 Triennial Code Adoption Cycle for public pools.

40. Amend Section 2102. Responsibility

HCD proposes to amend subsection (d) of this section to clarify that the operator of a park shall not permit, among the existing requirements, a unit, accessory building or structure, building component, or park utility to be altered unless it is done so in compliance with the requirements of chapter 2.2 of these regulations.

41. Add Section 2123. General Lot Access

HCD proposes to add new section 2123 to clarify the general lot access requirements. Currently, the regulations are not explicit on access associated with lot utilities and stairway installations or if the installation locations should allow clearance/access to all parts of the lot. If a stairway or lot utility such as power, water, gas, or other utility service is installed in a way that would not allow for emergency egress or emergency service personnel to access any part of the property, it may impact the ability to respond or access the area for emergency or medical response.

Authority and Reference—HCD proposes to add sections 18865 and 18873.5 of the Health and Safety Code as authority and sections 18872 and 18873.5 of the Health and Safety Code as references to provide the proper authority and references regarding development of regulations and HCD's authority to establish regulations for fire protection and those which protect the safety and general welfare of residents and the use of lots within special occupancy parks.

42. Amend Section 2185. Electrical Appliances and Equipment

HCD proposes to amend this section to clarify in subsection (c) that fuel-gas-burning HVAC condensing units and electric heat pumps associated with space and water heating equipment may be installed outside of units if in compliance with these regulations and the manufacturer's listing and installation requirements. HCD also proposes to clarify that no other appliance may be installed outside of units. This proposal supports state climate goals, including the installation of electric heat pumps in residential homes throughout the State.

43. Amend Section 2317. Private Fire Hydrant Test and Certification

HCD proposes to amend this section to clarify in subsection (a) that park owners/operators that have applied for an exemption for private fire hydrants within a park are only required to submit the initial exemption to the enforcement agency and not every year at annual renewal of the park permit to operate. The proposed amendments clarify that upon initial submittal and approval by the enforcement agency, the park owner/operator is not required to submit the exemption each year thereafter unless any conditions for the exemption change.

44. Amend Section 2426. Accessory Buildings or Structures and Building Components Installed in Fire Hazard Severity Zones

HCD proposes to amend this section to update a reference to the California Residential Code (CRC) in this section from "R327" to "R337". Amendments to the 2016 CRC included renumbering section R327 to R337, however the renumbering was not updated in title 25, and is now proposed to be corrected.

HCD also proposes to identify the provisions within CRC section R337 (i.e., Vegetation Management Compliance and Alternates for Materials, Design, Tests and Methods of Construction) that are not adopted and incorporated by reference in the CRC and remove references to specific section numbers in the CRC. This proposal is necessary to harmonize with the Office of the State Fire Marshal's

relocation of R337 into a new part of title 24, part 7. There is no change in regulatory effect.

45. Amend Section 2514. Fence or Windbreak—Height

HCD proposes to amend subsection (a) of this section to update the height limitation for fences from six feet to seven feet for consistency with permit exemptions for fences up to seven feet high in section R105.2(2) of the 2022 California Residential Code and section 105.2(2) of the 2022 California Building Code.

46. Add Section 2609.5. General and Administrative - Substandard Conditions and Nuisances

HCD proposes to add new section 2609.5 addressing areas that do not fall into existing sections 2605–2609, that are of a general nature, and do not directly apply to permanent buildings, MH-units, recreation vehicles, camping cabins, and accessory buildings, structures, and building components.

The proposed subsections (a) (1–6) are areas that would impact the park at-large and are proposed to clarify what conditions constitute a substandard condition and a nuisance when they endanger the life, limb, health, property, safety, or welfare of occupants or the public.

HCD proposes to add sections (a) (1–3) that specify failure of the park owner, operator, or agent to renew their permit to operate, failure to provide access to potable water, or failure to meet their responsibility obligations as a park owner, operator, or agent in section 2102, shall be deemed substandard and a nuisance.

HCD proposes to add section (a)(4) to specify that if a unit owner fails to meet their responsibility in section 2102, the enforcement agency shall deem the park to be substandard and a nuisance. HCD proposes to add section (a)(5) that specifies any violator that has failed to correct cited violations by the enforcement agency where six or more months have passed, it shall be deemed substandard and a nuisance by the enforcement agency.

HCD proposes to add section (a)(6) that specifies any nuisances as defined in this chapter, includes those nuisances defined in sections 3479, 3481, and 3480 of the Civil Code and section 370 of the Penal Code shall be considered substandard and a nuisance.

Authority and Reference—HCD proposes to add section 18865 of the Health and Safety Code as authority and sections 18866.3, 18866.5, 18870.6, and 18871 of the Health and Safety Code as locations to provide the proper authority and reference regarding the development of regulations and HCD’s authority to establish regulations for abatement of nuisances, addressing violation of this chapter, permit to operate requirements, and unlawful use within special occupancy parks.

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

The proposed regulations may affect small businesses. However, HCD has determined that the effect will not be adverse because the regulations only seek to clarify and make specific the governing statute..

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD has made an initial determination that the proposed regulatory action would not have a significant adverse effect 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 employee housing, mobilehome parks, and special occupancy parks regulations that clarify terms and enforcement responsibilities, update antiquated regulatory standards and propose amendments that support the state's climate goals and gender inclusive language.

Key areas that these proposed regulations address include:

- Establishing new requirements for local enforcement agencies assuming or returning enforcement of the Acts.
- Adding new definitions for deck, in-ground pool, and electronic as well as other definitions.
- Providing clarification that HCD can accept electronic submission of documents by local enforcement agencies.
- Updating requirements for permits to operate, permits for park alterations, and permits to construct.
- Clarifying situations in parks that constitute substandard conditions and nuisances.

- Clarifying the requirements for heat pump space and water heater appliances installed adjacent to manufactured homes and mobilehomes in mobilehome parks and special occupancy parks.
- Updating requirements for lot access, fire hydrants, fences, and potable water.
- Revising various program forms to align with current departmental information and regulations.
- Updating to support gender inclusive language.

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The regulations seek to clarify terms and enforcement responsibilities, update antiquated regulatory standards, and propose amendments that support the state's climate goals and gender inclusive language. These activities are currently being performed by existing state and local agencies and the regulations aim to provide clarity. 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 enforcement responsibilities, update antiquated regulatory standards, and propose amendments that support the state's climate goals and gender inclusive language. These activities are currently being performed by existing state and local agencies and the regulations aim to provide clarity. 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 enforcement responsibilities, update antiquated regulatory standards, and propose amendments that support the state's climate goals and gender inclusive language. These activities are currently being performed by existing state and local agencies and the regulations aim to provide clarity. 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 and local enforcement agencies with maintaining minimum health and safety standards in mobilehome parks, special occupancy parks, and employee housing facilities by clarifying terms and enforcement responsibilities, updating antiquated regulatory standards, and proposing amendments that support the state's climate goals and gender inclusive language. 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. HCD continues to support the statement made in the Notice of Proposed Action that “no reasonable alternative will be more effective in carrying out the purpose for which this regulatory action is proposed” or “will be as effective as, and equally effective in to affected private persons than the proposed action.” HCD has determined that this proposed regulatory action represents the most cost-effective, efficient, and practical process achievable.

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 local enforcement agencies 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., local enforcement agencies). At this time, HCD is unaware of additional alternative ways, others than those noted above, to submit documents electronically.