

INITIAL STATEMENT OF REASONS

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

SPECIAL OCCUPANCY PARKS PROGRAM

CALIFORNIA CODE OF REGULATIONS

TITLE 25 HOUSING AND COMMUNITY DEVELOPMENT

DIVISION 1. CHAPTER 2.2

SECTIONS 2002 THROUGH 2444, 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.

C&S carries out its responsibilities through its various programs. The Special Occupancy Parks Program is responsible for the enforcement and regulation of minimum health and safety standards inside SOPs including, but not limited to, recreational vehicle parks.

HCD proposes changes to regulations to align with a new type of camping facility that offers transient lodging accommodations which often includes upscale tents and other types of sleeping accommodations, with adjacent private bathing facilities in very close proximity to the tents or other accommodations on the lot. The current SOP regulations do not address this type of use of SOPs; therefore, regulatory changes are required to allow flexibility while also ensuring minimum health and safety within these accommodations.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAWS AND REGULATIONS

Special Occupancy Parks Act (SOPA)

HCD and local enforcement agencies (LEA) approved by HCD are responsible for the enforcement of minimum health and safety standards inside privately owned, operated, and maintained SOPs including, but not limited to, recreational vehicle parks and tent camps. 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: 2002, 2118, 2424, 2443, and 2444

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:

- SOPA—Health and Safety Code (HSC), sections 18865, 18865.05, and 18865.3.

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

Additionally, HCD has implied 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].”

Reference

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

- SOPA—HSC sections 18862.23, 18865, 18865.3, 18871.3, 18872, 18873, 18873.1, 18873.2, and 18873.5

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 Act

1. Amend Section 2002. Definitions

The current SOP regulations prohibit cabanas (e.g., freestanding structures) on recreational vehicle, tent, camp car, camping party, or camping cabin lots that do not contain MH-units. HCD proposes to modify the definition of “Cabana” to add “MH-Unit Lot” and to add a new definition of the term “Cabana, Lot” to clarify certain differences and limitations of cabanas that may be constructed and installed on these two types of lots within SOPs. The proposed definition of “Cabana, Lot” applies to cabanas

constructed and installed on all other lots than MH-unit lots and identifies that these cabanas are limited to a maximum of 120 square feet in floor area for use as a private bathroom or toilet room only and shall not contain cooking appliances, or be used as kitchens, dining rooms, or sleeping rooms. HCD also proposes to renumber existing definitions to accommodate the proposed changes in this section.

2. Amend Section 2118. Lot Occupancy

The current SOP regulations prohibit cabanas (e.g., freestanding structure) on lots that do not contain an MH-unit. The proposed regulatory changes to this section clarify that recreational vehicle, tent, camp car, camping party, or camping cabin lots may include cabanas of up to a maximum of 120 square feet in floor area for use as a private bath or toilet room only and shall not contain other facilities such as kitchens, dining rooms, or sleeping rooms.

3. Amend Section 2424. Regulated Structures

The current SOP regulations prohibit cabanas (e.g., freestanding structure) on lots that do not contain an MH-unit within SOPs. The proposed regulatory changes to this section clarify that recreational vehicle, tent, camp car, camping party, or camping cabin lots may include cabanas of up to a maximum of 120 square feet in floor area for use as a private bath or toilet room only and shall not contain other facilities such as kitchens, dining rooms, or sleeping rooms. An exception is proposed to identify that cabanas on lots designated for MH-units are not subject to these limits.

4. Amend Section 2443. Private Garages, Cabanas, and Storage Buildings

The current SOP regulations prohibit cabanas (e.g., freestanding structure) on lots that do not contain an MH-unit within SOPs. The proposed regulatory changes will remove “designated for manufactured homes or mobilehomes” and instead rely on the existing pointer to section 2118 for requirements on the location of garages, cabanas, and storage buildings on lots. This proposal will allow for cabanas that only contain bathrooms or toilet rooms to be located on lots, as accessories to the lots, if they do not exceed 120 square feet and do not contain other facilities such as kitchens, dining rooms, or sleeping rooms.

5. Amend Section 2444 Cabanas

The current SOP regulations prohibit cabanas (e.g., freestanding structure) on lots that do not contain an MH-unit within SOPs. The proposed regulatory changes will remove “designated for manufactured homes or mobilehomes” and instead rely on the existing pointer to section 2118 for requirements on the location of garages, cabanas, and storage buildings on lots. This proposal will align with the amendments in this rulemaking to allow the use of bathroom or toilet rooms as cabanas on lots.

POLICY STATEMENT OVERVIEW

HCD proposes to amend regulations to align with the new SOP model for facilities that desire to offer transient lodging accommodations which often include upscale tents and other types of sleeping accommodations, with adjacent private bathing facilities. The

current limitations of the SOP regulations do not align with the desired use of SOPs, therefore, amendments are required to allow lots to include accessory bathroom structures (i.e., cabanas) and maintain minimum health and safety standards within these structures.

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 SOP regulations that clarify terms for SOPs to align with a new model of SOPs that offer transient lodging accommodations. These new transient lodging accommodations propose to provide private restrooms on lots within SOPs. However, the current SOP regulations prohibit private restrooms on lots that include tents or recreational vehicles. Due to changes in the business model that include transient lodging accommodation, the existing SOP regulations will be updated to allow for private restrooms on all SOP lots.

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

HCD is proposing changes to the SOP regulations that clarify terms for SOPs and allow for private restrooms on all SOP lots within SOPs. The enforcement activities for SOPs 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

HCD is proposing changes to the SOP regulations that clarify terms for SOPs and allow for private restrooms on all SOP lots within SOPs. The enforcement activities for SOPs 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

HCD is proposing changes to the SOP regulations that clarify terms for SOPs and allow for private restrooms on all SOP lots within SOPs. The enforcement activities for SOPs 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 update HCD's existing SOP regulations to allow for private restrooms on all SOP lots. 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 as effective and less burdensome 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.

ANTICIPATED BENEFITS OF THE PROPOSAL

Alignment of HCD regulations for SOP with the new model of SOPs; owners that desire to offer transient lodging accommodations which often include upscale tents and other types of sleeping accommodations, with adjacent private bathing facilities. Amendments

are required to maintain minimum health and safety standards within these new accommodations.

STUDIES, REPORTS, AND SIMILAR DOCUMENTS

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

SPECIFIC TECHNOLOGIES AND EQUIPMENT

No specific technologies or equipment are required as a result of this rulemaking.