# EXPRESS TERMS

# CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**DIVISION OF CODES AND STANDARDS**

# MOBILEHOME RESIDENCY LAW PROTECTION PROGRAM

**CALIFORNIA CODE OF REGULATIONS
TITLE 25 HOUSING AND COMMUNITY DEVELOPMENT
DIVISION 1. Chapter 3.5. Mobilehome Residency Law Protection Program**

This document uses strikeout and underline to specify text changes. If using assistive technology, please adjust your settings to recognize underline, strikeout and ellipsis.

**Legend:**

\*Text in single underline is proposed new text.

\*Text in ~~single strikeout~~ is deleted text.

## Chapter 3.5. Mobilehome Residency Law Protection Program

### Amend Section 4908.

#### § 4908. Secondary Review of Complaint.

(a) A secondary review shall be conducted of complaints that are retained pursuant to paragraph (7) of subsection (b) of Section 4906. This secondary review is to establish eligibility for further MRLPP assistance, which may include referral to a nonprofit legal services provider.

(b) If additional information is needed to complete the secondary review, the department shall send a department communication to the complainant requesting submission of additional information within fifteen (15) business days of the postmark or electronic transmission date of the department communication. If the complainant does not timely provide the requested information, the department shall close the complaint and notify the complainant of the closure with a department communication. However, the complainant may submit a new complaint about the same issue(s) at a future date if it does not exceed the time limitations in subsection (a) of Section 4906.

~~(c) The department shall select for further MRLPP assistance only those complaints that allege the most severe, deleterious, and materially and economically impactful violations of the Mobilehome Residency Law. The department shall make its selection after a focused and good faith evaluation of each complaint. During this evaluation, the department shall consider the facts of each complaint and weigh the probability and/or magnitude of the harm, injury, damage, or loss that is being alleged.~~

~~(d)~~ ~~In addition to the criteria in subsection (c), the department shall consider the~~ ~~following:~~

~~(1) The geographic diversity of the complaints, which the department will ensure by selecting 15 to 25 percent of the total complaints from each of five (5) geographic regions that have been drawn based on the following factors:~~

~~(A) the number of mobilehome spaces, potential complaints, or both that are estimated for each county in the region.~~

~~1. If the department determines that a geographic region is either over-represented or underrepresented in terms of number of complaints, the department shall make reasonable and appropriate modifications to the boundaries of the geographic regions in order to ensure continued feasibility of the MRLPP.~~

~~(2) The capacity of the nonprofit legal services providers to provide legal assistance within the relevant geographic regions.~~

~~(e)(1) The department shall select complaints for further MRLPP assistance pursuant to subsections (c) and (d) during the secondary review. Any complaint selected as meeting the criteria of subsections (c) and (d) shall be handled pursuant to Section 4912 or retained until it meets all the criteria of subsections (c) and (d). The department shall provide a department communication which explains the nature of and basis for its action under this paragraph.~~

~~(2) If the complaint is determined to be ineligible for further MRLPP assistance and is rejected, the department shall promptly provide a department communication to the complainant, which shall explain the reason(s) for the rejection and suggest alternate resources to assist the complainant with further pursuit of remedies for the alleged violations.~~

(c) The department shall consider the capacity of the nonprofit legal services providers to provide legal assistance.

(d) If the complaint is determined to be ineligible for further MRLPP assistance and is rejected, the department shall promptly provide a department communication to the complainant, which shall explain the reason(s) for the rejection and suggest alternate resources to assist the complainant with further pursuit of remedies for the alleged violations.

**Note:**

Authority cited: Sections 50402 and 50406(n), Health and Safety Code.

Reference: Sections 18802 and 18804, Health and Safety Code.

### Repeal Section 4912.

#### § 4912. Resolution Process Prior to Referral to a Nonprofit Legal Services Provider.

~~(a)(1) If the complaint satisfies subsections (c) and (d) of Section 4908, the department shall prepare the complaint for referral to a nonprofit legal services provider.~~

~~(2)(A) If the complaint does not satisfy subsections (c) and (d) of Section 4908, the department shall provide a department communication explaining the reasons for either:~~

~~1. referring the complaint to the Mobilehome Assistance Center or to the appropriate enforcement agency; or~~

~~2. closing the complaint.~~

~~(b) Prior to the complaint's referral to a nonprofit legal services provider, the department shall do the following:~~

~~(1) Send a department communication to the complainant and the park management, or their respective designees, which specifies:~~

~~(A) the alleged violation(s) of the Mobilehome Residency Law;~~

~~(B) the parties' obligation to negotiate in good faith to resolve the complaint within twenty-five (25) calendar days of the postmark or electronic transmission date of the department communication;~~

~~(C) that the parties' communication(s) may be in person, or by telephone, electronic mail, or standard mail;~~

~~(D) that the parties may have representatives assisting them during the good faith negotiation efforts;~~

~~(E) that only good faith efforts, not actual resolution(s), are required to comply with this section; and~~

~~(F) that the parties must submit a response to the department's written inquiry, as described in subsection (c), within ten (10) business days of the postmark or electronic transmission date of the department's written inquiry.~~

~~(c) The department shall provide a written inquiry to the parties within ten (10) business days after the conclusion of the 25-day negotiation period described in subsection (b)(1)(B) of this section. The written inquiry shall inquire whether the parties have resolved the matter within the 25-day negotiation period and further advise the parties that their response to the written inquiry must be received by the department within ten (10) business days from the postmark or electronic transmission date of the department's written inquiry. The department shall provide a complaint resolution form, along with the written inquiry, for completion and submission by the complainant.~~

~~(1) The parties may submit their response to the department's written inquiry either on the complaint resolution form included in the department's written inquiry or in any other writing. The parties may submit a response to the department's written inquiry separately or together, so long as each response is signed and dated by each party's signatory with authority. Each response to the department's written inquiry shall be submitted either electronically or by USPS mail to the department. Each response to the department's written inquiry, regardless of form, must include the following information:~~

~~(A) the names of all parties to the negotiation;~~

~~(B) the contact information, including the telephone number, e-mail address (if any), and mailing address, of the person or persons submitting the response to the department's written inquiry; and~~

~~(C) a brief summary and explanation of the outcome of the parties' negotiation.~~

~~(2) If the department receives a timely response to the written inquiry from either party indicating that the matter is not resolved, the department shall then process the complaint pursuant to Section 4914 and provide an appropriate department communication.~~

~~(3) If the department receives a timely response to the written inquiry from both parties indicating that the matter is resolved, the department shall close the complaint and provide an appropriate department communication.~~

~~(4) If the department receives a timely response to the written inquiry from the complainant indicating that the matter is resolved, the department shall close the complaint and provide an appropriate department communication.~~

~~(5) If the department does not receive a timely response to the written inquiry from either party, the department shall close the complaint and provide an appropriate department communication.~~

**Note:**

Authority cited: Sections 50402 and 50406(n), Health and Safety Code.

Reference: Section 18802, Health and Safety Code.

### Amend Section 4914.

#### § 4914. Referral to Nonprofit Legal Services Provider.

~~(a) Pursuant to Section 4912, if either party advises, in response to the department's written inquiry, that the complaint has not been resolved, the department shall deem the complaint as unresolved.~~

~~(b)~~(a) After review of all pertinent information related to the complaint and a determination that the complaint still meets the requirements of Section 4908, the department may refer the matter to a nonprofit legal services provider or to an appropriate enforcement agency with jurisdiction. The department shall provide a department communication to both the complainant and park management as to the nature of and basis for such referral.

~~(c)~~(b) If the department retains the complaint, it shall provide a department communication to both the complainant and park management explaining the reasons for the complaint’s retention. The bases for retention may include, but are not limited to, the department’s intent to aggregate it with similar complaints pursuant to Section 4918; the need for further review to determine eligibility; or insufficient funding or temporary insufficient capacity of nonprofit legal services providers.

~~(d)~~(c) If the department determines that the complaint should not be further processed by the MRLPP, the department shall provide a department communication to both the complainant and park management explaining the reasons for no further action by the department and shall provide referrals to alternative resources that may assist the complainant in pursuing remedies for the alleged violations.

~~(e)~~(d)(1) If the complaint is referred to a nonprofit legal services provider, the department shall provide that nonprofit legal services provider with access to the complaint form and all relevant documents.

(2) The nonprofit legal services provider shall contact the complainant and perform an intake interview to determine, at the discretion of the nonprofit legal services provider and consistent with the requirements of its contract with the department, whether the complainant is eligible for legal services pursuant to this chapter and the nonprofit legal services provider contract.

(3) The nonprofit legal services provider may decline the case if its contract is about to expire, there is insufficient funding, or as otherwise allowed by the department contract. If the nonprofit legal services provider does not accept the case, it shall provide a written communication to the complainant and the department explaining the reason(s) for not accepting the case.

(4) Upon accepting the case, the nonprofit legal services provider shall further interview the complainant, and thereafter, as appropriate, provide legal advice or other assistance, including, but not limited to, an additional referral, conferring with park management, and initiating judicial or administrative actions to resolve the complaint. If the nonprofit legal services provider determines at any point after the acceptance of the case that no further legal assistance or action is necessary or appropriate, it shall provide a written communication to the complainant and the department explaining its reasons for no further action, and it shall provide the complainant with referrals to alternative resources to assist the complainant in pursuing remedies for the alleged violations.

**Note:**

Authority cited: Sections 50402 and 50406(n), Health and Safety Code.

Reference: Sections 18802 and 18803, Health and Safety Code.

### Amend Section 4916.

#### § 4916. Selection Procedures for Nonprofit Legal Services Providers.

(a)(1) The department shall issue a request for proposals to contract with one or more nonprofit legal services providers to provide legal advice and representation, as appropriate, to complainants referred pursuant to subsection ~~(b)~~ (a) of Section 4914.

(2) The department, based on the amount of funds available, shall establish a maximum amount of funding for these services, the estimated costs of these services, and the anticipated number of cases to be referred each year. The maximum amount of funding shall be specified in each contract and approved by the department director or the director's designee.

(3) The amount of funding for each contract shall take into consideration the number of counties served and the number of mobilehome lots, or complaint cases in progress, or both, within those counties.

(4) Each contract shall be for three (3) years and may be amended in a written agreement signed by both parties. Each contract can be amended for a one-year extension, additional funding, or both.

(5) The request for proposals will explain the department's payment process, the anticipated procedures for review of contractor performance, and the requirements of contractor reporting, including specified periodic reports and a comprehensive summary of activities provided to the department no later than September 30 ~~2022~~ annually, pursuant to Health and Safety Code sections 18805 and 18806.

(b) The request for proposals shall ask for the following:

(1) a description of how the nonprofit legal services provider will operate the project, how department funds will be used, and any additional funding or resources available to the provider;

(2) the information required by paragraphs (1) through (3) of subdivision (b) of Section 18803 of the Health and Safety Code;

(3) information related to experience in providing legal services under contract with other public entities, compliance with their administrative requirements, and references to those agencies;

(4) a detailed plan and schedule for implementing the project, including identification of any services which cannot be performed by the nonprofit legal services provider (e.g., representing undocumented persons, class action lawsuits, contingency lawsuits, etc.);

(5) evidence of or a certification of compliance with applicable federal or state laws and regulations including, but not limited to, eligibility for the IOLTA Program and employment of attorneys licensed to practice law in the jurisdictions subject to the department contract;

(6) a detailed budget, including estimates of costs for each function of the legal services provided (e.g., intake, review, complainant advice, correspondence, litigation, transportation, administrative overhead, administrative reporting to the department, etc.);

(7) authorization and approval of the proposal by authorized representatives of the proposer; and

(8) other information deemed necessary for the selection process by the department.

(c) The department shall have sole and absolute discretion in determining the eligibility and competitiveness of each proposal based on the criteria in this section. If the department concludes that the information in the proposal is inadequate, it may ask the proposer for additional clarifying information, or it may reject the proposal if it deems the deficiencies are material or cannot be cured within a reasonable time.

(d) The department shall rate the proposals and award funds based on the extent to which the proposal meets the criteria in subsection (b).

(e) The department may award contracts to more than one nonprofit legal services provider if it determines that coverage of the state requires multiple contractors.

**Note:**

Authority cited: Sections 50402 and 50406(n), Health and Safety Code.

Reference: Sections 18803, 18805, and 18806, Health and Safety Code.