

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

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**October 26, 2009**

**INFORMATION BULLETIN 2009-06 (SHL, MP/SOP)**

**TO: City and County Building Officials  
Interested Parties  
Division Staff  
Mobilehome and Special Occupancy Parks**

**SUBJECT: 2009 LEGISLATIVE CHANGES**

This Information Bulletin summarizes the legislative changes for 2009 to California laws that impact housing construction and maintenance in California. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin become effective on January 1, 2010, unless otherwise specified in the legislation.

**[Chapter 89, Statutes of 2009 \(Assembly Bill No. 210, Hayashi\)](#) amends Sections 17958.5 and 18941.5 of the Health and Safety Code, relating to building standards.**

- Health and Safety Code Section 17958.5 is amended to allow a city, county, or city and county to make changes or modifications to the California Building Standards Code including, but not limited to, green building standards.
- Health and Safety Code Section 18941.5 is amended to allow amendments, adoptions, and deletions by local jurisdictions to the California Building Standards Code, regarding green building standards. It also authorizes a city, county, or city and county to establish more restrictive green building standards reasonably necessary because of specified local conditions.

**[Chapter 267, Statutes of 2009 \(Assembly Bill No. 1020, Emerson\)](#) amends Section 18942 of, and adds Sections 116064.1 and 116064.2 to, the Health and Safety Code, relating to swimming pools.**

- Health and Safety Code Section (HSC) 18942 is amended to require the California Building Standards Commission (CBSC) to publish the text of HSC Section 116064.2, which relates to swimming pool safety, within the California Code of Regulations (CCR), Title 24, Part 2. It is further amended to require each city, county, city and county, whether general or chartered, to obtain and maintain at least one copy of the building standards published in CCR Titles 8, 19, 20, 24, and 25, with all revisions. The amendment exempts a city or county that contracts the administration and enforcement of said provisions out to another local government agency.

- Health and Safety Code Section 116064.1 is added to state the legislative intent to provide consistent statewide standards to preempt all local health and safety standards relating to public swimming pools.
- Health and Safety Code Section 116064.2 is added to require existing public swimming pools, as defined, to be equipped with anti-entrapment devices or systems that meet ASME/ANSI performance standard A 112.19.17 or ASTM performance standards. It also allows public swimming pools to meet any applicable standard adopted by the State Department of Public Health (DPH) and existing swimming pools with a single main blockable drain to meet at least one of the specified standards.

In addition, every newly constructed public swimming pool is required to have at least 2 main drains per pump that are hydraulically balanced and symmetrically plumbed through one or more “T” fittings, and are separated by at least 3 feet in any dimension.

This amendment also authorizes DPH to approve amendments or future changes to these standards. DPH is also required to develop a form to indicate compliance with the requirements of this statute based on the certification by a specified qualified individual. Public pool owners also must file this certification of compliance with their local health department. This statute authorizes DPH to collect a fee of up to \$6 per public swimming pool to cover administration costs.

**Chapter 551, Statutes of 2009 (Senate Bill No. 23, Padilla) amends Sections 18603 and 18871.8 to the Health and Safety Code, relating to mobilehome parks and special occupancy parks.**

- Health and Safety Code Sections 18603 and 18871.8 are amended to require owners or operators of existing mobilehome or special occupancy parks (parks) to adopt an emergency preparedness plan by September 1, 2010. Parks constructed after September 1, 2010, must adopt an emergency preparedness plan prior to receiving a permit to operate. In existing parks or parks constructed after September 10, 2010, an owner or operator of a park is required to post a notice of the emergency preparedness plan in the park’s clubhouse or other conspicuous place in the park. It also requires that park management, on or before September 10, 2010, to provide notice on how to access the plan and obtain information on individual emergency preparedness information from appropriate state or local agencies. The enforcement agency for the park will determine if the park is in compliance with this statute. If the park is in violation, it will have 60 days to correct the violation.

These amendments also require parks with 50 or more units to have the responsible person who resides in the park be familiar with the emergency preparedness plans for the park.

**Chapter 558, Statutes of 2009 (Senate Bill No. 111, Correa)** amends Civil Code Section 798.44, amends and renumbers Sections 798.29.5, 798.38, 798.40, and 798.42, amends and renumbers the heading CCR Title 2, Part 2, Division 2, Chapter 2.5, Article 4 (commencing with Section 798.30), and adds the heading of CCR Title 2, Part 2, Division 2, Chapter 2.5, Article 4 (commencing with Section 798.40), relating to mobilehome parks.

- Civil Code Section 798.29.5 is renumbered to 798.42.
- Civil Code Section 798.38 is renumbered to 798.40.
- Civil Code Section 798.42 is renumbered to 798.39.5
- Civil Code Section 798.44 is amended to change references from “tenants” to “residents.”
- The heading of Article 4 (commencing with Section 798.30) of the Civil Code Division 2, Part 2, Title 2, Chapter 2.5 of the Mobilehome Residency Law is amended and renumbered to Article 3.5. “Fees and Changes.”
- The heading of Article 4 (commencing with Section 798.40) of the Civil Code Division 2, Part 2, Title 2, Chapter 2.5 of the Mobilehome Residency Law, Article 4 is added and reads Article 4. “Utilities.”

**Chapter 586, Statutes of 2009 (Senate Bill 398, Correa)** amends Section 18691 of the Health and Safety Code, relating to mobilehome parks.

- Health and Safety Code Section 18691 is amended to clarify the entities exempt from the Department of Housing and Community Development's (HCD) mobilehome park fire prevention regulations to include a special district or other entity, organized solely to provide fire protection services and monitored and funded by a county or other public entity, which meets both of the following requirements: has been delegated fire code enforcement authority by an Local Enforcement Agency (LEA); and is enforcing a fire prevention code that meets or exceeds HCD's requirements and the building standards published in the California Building Standards Code.

In addition, this amendment allows a city, county, or special district that is not an LEA, after providing HCD a 30-day written notice, to enforce, in addition to existing provisions, the following elements of its fire code: combustible brush and vegetation on a lot or common area that represents an imminent fire hazard; flammable liquid storage abatement; hazardous material storage and use; and open flame or open burning.

**Chapter 66, Statutes of 2009 (Senate Bill 804, Leno) amends Section 798.71 of the Civil Code, relating to mobilehomes.**

- Civil Code Section 798.71 is amended to prohibit management of a mobilehome park from requiring a homeowner, who is replacing a mobilehome or manufactured home on a space in the park, in which he/she resides, to use a specific broker, dealer, or other person as an agent in the purchase of or installation of the replacement home.

This summary of legislative changes is not represented to be a complete digest of all new laws affecting persons regulated by the State Housing Law, the Employee Housing Act, the Mobilehome or Special Occupancy Parks Acts, the Manufactured Housing Act of 1980, or other California law. The complete text of each law can be reviewed through the Official California Legislative information website using the internet address <http://www.leginfo.ca.gov>.

For questions regarding the State Housing Law, Employee Housing Act, or Mobilehome and Special Occupancy Parks Acts requirements, please contact the Department's Housing Standards Program staff at (916) 445-9471. For questions regarding the Manufactured Housing Act of 1980, please contact the Manufactured Housing Program at (916) 445-3338. You may also contact the Department via our web comment site at <http://www.hcd.ca.gov/comments>.

A handwritten signature in black ink, appearing to read "Kim Strange", with a long horizontal flourish extending to the right.

Kim Strange  
Deputy Director