

**Senate Select Committee on Manufactured Homes & Communities**  
**Hearing: Mobilehome Park Wildfire Safety and Emergency Preparedness, Part 2**  
**February 6, 2009, 11 a.m. – 2:30 p.m. – Los Angeles Mission College, Sylmar, CA**

**HEARING INFORMATION PAPER**

*Draft*

**Purpose**

This is the second of two hearings on wildfire related issues affecting mobilehome parks and manufactured homes. The purpose of the hearings is to review fire safety in manufactured homes and parks that are located in areas vulnerable to wildfires by requesting input from interested parties, such as mobilehome owners, mobilehome park owners, the state Department of Housing and Community Development (HCD), local governments, and fire agencies, among others in order to assess whether there is a need for legislative changes for fire safety. The first hearing in Sacramento on December 2, 2008 focused on emergency regulations proposed by HCD to upgrade fire code requirements for manufactured homes located in wildfire prone areas. The second hearing in Sylmar, on February 6, 2009, will delve into issues relating to emergency preparedness, evacuation, clearance of vegetation or “defensible space,” code enforcement conflicts and budget problems, and related issues. Written information or documentation is encouraged for the record. The Sylmar hearing will be recorded for transcription, and the committee will publish a transcript and report at a later date.

**Information Summary**

There are almost 4,800 mobilehome parks in California housing an estimated 700,000 or more residents. Code requirements for the construction of manufactured homes and mobilehomes in the factory are established by federal law and HUD regulations. However, the state Department of Housing and Community Development (HCD) - under the Manufactured Housing Act and the Mobilehome Parks Act (MPA) - regulates health and safety code requirements, including fire code, for the installation of these homes in mobilehome parks as well as code requirements for the park common areas, roadways, utilities, and spaces/lots. This is generally done by inspection at the time a park is built or when manufactured homes are installed on the lots, or later upon a complaint, or a full park inspection under the Mobilehome Park Maintenance (MPM) inspection program. Increasing incidents of wildfires in California in recent years in which hundreds of manufactured homes and mobilehomes in at least a half dozen parks have been destroyed or damaged have brought to light questions about the need for the Legislature to take a closer look at general fire safety in mobilehome parks. The major issues that have been brought to the attention of the committee include upgrading exterior construction (roofs, siding, etc.) to better resist exterior ignition of homes in parks, creation of “defensible space” in and around mobilehome parks by better vegetation or brush control, park emergency preparedness and evacuation planning, debris removal after the fire, and problems of code enforcement responsibility, jurisdiction confusion or overlap, and lack of resources. Other issues may also arise at the hearing.

## **Background**

According to January 2009 figures from the Department of Housing and Community Development (HCD), in California there are 4,705 mobilehome parks with a permit to operate (PTO) issued by HCD. These parks have a total of 366,309 spaces or lots. Conservative estimates are that more than 700,000 residents live in these parks. Most of these are privately owned rental parks, where residents own the homes but rent or lease the spaces/lots on which their homes are installed from the park. About 150 of these parks are resident-owned subdivisions, condominiums, or cooperatives or are owned by non-profit organizations and in a few instances governmental entities. HCD figures also indicate there are 676 special occupancy (SOP) or RV parks in California with approximately 90,000 spaces accommodating recreational vehicles, park models, or small trailers for recreational or temporary use, although in reality an unknown number of spaces in special occupancy parks are occupied by permanent residents on a full-time year-around basis. Although the Legislature sets general guidelines for code enforcement for the installation of manufactured homes in parks, it vests HCD with the power to carry them through the adoption of administrative regulations, known as Title 25. HCD enforces Title 25 through inspection at the time a park is first built, or a manufactured home or mobilehome home is first installed on a lot in a park, and later upon a complaint inspection. HCD also performs inspections under HCD's Mobilehome Park Maintenance program (MPM), under which 5% of the parks statewide each year (as a goal) are to undergo a full inspection, but the MPM sunsets at the end of 2011. 74 cities and counties perform park inspections for HCD by agreement. In these cases Title 25 code standards, not local code standards, are the benchmark, with the exception that local governments assuming jurisdiction to enforce the entire Mobilehome Parks Act - both the fire and general code requirements - may adopt more stringent fire protection standards for their parks than those required by the state under HCD enforcement. Annual park PTO fees for park code enforcement, whether administered by HCD or the locals, are set by state law at \$25 per park plus \$2 per space, plus \$4 per space to support the MPM program.

In three mobilehome parks in San Diego County – in Dulzura, Fallbrook, and Ramona - more than one-hundred mobilehomes and manufactured homes were destroyed as a result of wildfires in the fall of 2007. In Los Angeles County, the October 2008 Marek wildfire destroyed 38 homes in the Sky Terrace park and in the November the Sayre fire ravaged 487 homes in Sylmar's Oakridge park. Because of these fires, as well as wildfires in Butte County and other Northern California counties in recent years affecting parks and mobilehomes to a somewhat lesser extent, inquiries have been made to the committee about the following issues.

## **Possible Issues**

Ignition Resistant Code Requirements for Mobilehomes: The committee has heard from a number of sources concerning the need to upgrade construction or installation code standards for manufactured homes and mobilehomes for fire safety. The State Building Code (Title 24, Part 2, Chapter 7A) requires upgraded ignition resistant exterior code

components (roofing, siding, doors, windows, venting, etc.) for new construction and the replacement or repair of stick-built housing located in wildfire prone areas. In response to the recent upsurge in wildfires affecting parks in 2007, HCD proposed emergency regulations in 2008 to extend these stick-built code requirements to manufactured housing located outside of parks in wildfire areas, and more recently to make such regulations applicable to manufactured housing inside parks (Article 2.3, Title 25, CA Code of Administrative Regulations). The emergency regulations for manufactured homes and mobilehomes are effective in Fire Hazard Severity Zones within State Responsibility Areas or in any Local Responsibility Area as defined in Title 24, Part 2, Chapter 7A. The committee reviewed this issue at its December 2, 2008 hearing in Sacramento. A limited number of printed copies of the December 2<sup>nd</sup> Transcript and Report will be available at the February hearing, or is available for viewing at the committee's information website under "Hearings" at [www.sen.ca.gov/mobilehome](http://www.sen.ca.gov/mobilehome)

State vs. Local Enforcement: HCD is the primary code enforcement authority over parks – although local governments retain jurisdiction for establishing zoning for manufactured homes, mobilehomes, or establishing types of uses and locations, such as senior mobilehome parks or mobilehome subdivisions within the local jurisdiction, as defined in the zoning ordinance. Local governments also retain authority to require or regulate park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking. For everything else, state law as interpreted by HCD generally pre-empts the field for code enforcement mobilehome parks (H&S Sec. 18300). Confusion sometimes develops because locals enter into agreements with HCD on a 90 day notice to assume general code enforcement in mobilehome parks, but in such cases they must utilize and enforce the state code (Title 25) requirements, not their own local standards. Currently, 74 local governments retain such enforcement authority, but locals sometimes chafe at the fact they cannot adopt more stringent code requirements as well as higher enforcement fees for parks - particularly for parks local agencies may consider substandard or "eyesores." As such, an increasing number of locals, presumably due to budgetary considerations, have given back enforcement to HCD. Thus, HCD faces a situation where more and more locals are giving back jurisdiction for code enforcement, putting a heavier workload on the state at a time when HCD resources are stretched thin as well. Due to state budget problems, HCD is now proposing to reduce Codes and Standards personnel – presumably including some field inspectors. HCD is already short 10 field inspectors below that originally authorized at 48. The Governor's new 2009-10 budget proposes to raise fees on mobilehome parks and mobilehome owners for the first time in years, while reducing HCD personnel and presumably park inspections. If approved, park PTO fees will be raised from \$25 a year to \$140 and per space/lot fees from \$2 to \$7 each. Mobilehome registration fees will also be increased. This may encourage some local governments to keep programs they have assumed or others to assume jurisdiction, since many local governments believe funding for the program is inadequate and is often the reason for canceling their agreements with HCD in the first place. However, with further cuts in the number of field inspections, HCD park code enforcement will probably become more problematic.

Fire Authority: Who has fire authority, and to what extent, is somewhat complicated. Local governments that have assumed jurisdiction from HCD for general code enforcement in mobilehome parks, while they cannot impose more stringent health and safety (building code) requirements than Title 25, can impose their own local fire code requirements that exceed the state standard. However, due to what most local governments consider the inadequate fee structure for the park code enforcement program, many are not willing to take on the whole program in order to get greater fire authority. In December 1999, a fire in an older Compton mobilehome park in which three people died brought to light the conflict between local governments and HCD. The city of Compton did not have park enforcement authority but required the park to install fire hydrants anyway. The park appealed to HCD, but in the meantime started the process of installing hydrants. HCD later overruled Compton on the basis that state law did not require parks built before 1967 to install fire hydrants and Compton, unless they took over general park code enforcement in the city, could not require the hydrants. Because the hydrants did not work, when the fire broke out in the park the city fire department was delayed in putting out the fire, although there was no evidence the delay caused the deaths. This committee and other legislators held investigations and a hearing on this issue in 2000 and determined that, in fact, older parks were not required to have fire hydrants prior to the time the Division of Housing (now HCD) took over mobilehome park code enforcement in 1967 and that even for parks built after September, 1968, where hydrants are required, there was no state inspection or maintenance program. Several bills were introduced in the Legislature to require that all parks that did not have them phase in the installation of fire hydrants over a period of years. Those bills were not successful, but ultimately a bill (amendments to H&S Sec. 18691) was passed and signed to require HCD to establish a maintenance and inspection program for park fire hydrants, where they exist, and that carved out another exception in state law permitting local fire agencies to enforce more stringent fire prevention codes in parks regarding specific fire safety issues without having to assume the full cost of general park code enforcement. The issues over which local fire authorities may assume jurisdiction include park fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking lot identification, weed, debris and combustible storage abatement, and burglar bars. To date only eight fire agencies have been willing to assume this partial jurisdiction for fire safety in parks, including Los Angeles County Fire, Santa Barbara County Fire, the fire departments in the cities of Huntington Beach, Mountain View, Sunnyvale, and Torrance, the Burney Fire Protection District, and the Ebbetts Pass Fire District. HCD has informed the committee that the City of Los Angeles has made inquiries about assuming such jurisdiction, but there has been no formal request.

#### Brush & Vegetation - Defensible Space

There have been concerns expressed to the committee about vegetation and brush on neighboring park properties as well as vegetation and trees inside some parks contributing to the spread of fires in parks. One e-mail to the committee contended that in some parks there are palm trees with numerous dead palm fronds, which have not been maintained, that may ignite in a wind driven fire producing fiery torches that can descend

on homes, contributing to the spread of a fire. A complaint from another park was that some vacant lots or spaces are filled with knee-high weeds that are dry and pose a potential fire hazard. Maintenance of trees, or lack thereof, in parks has been a major issue in mobilehome park communities for years. Legislation enacted in 2000 (Civil Code Section 798.37.5) provides that a park owner is responsible for maintaining and paying for the maintenance of any tree in park common areas and for the trimming or removal, and costs thereof, of a tree on a rental lot that poses a significant hazard or health and safety violation, if upon an inspection a code enforcement agency inspector determines the tree is a hazard and cites the park for a violation. HCD would have jurisdiction inside parks, although a city which has taken over general park code enforcement by agreement with HCD may have authority to impose a more stringent fire code that includes regulations for maintaining or clearing vegetation in the park. Local fire agencies normally have jurisdiction to enforce their code requirements for weed or brush abatement on properties next to but outside mobilehome parks.

Evacuation and Emergency Preparedness: As the result of recent wildfires affecting mobilehome parks, the committee has been told that in one park some residents, including a number of the elderly, did not get the word about evacuation and only got out in time after neighbors alerted emergency personnel or firemen to make a second sweep. There have also been concerns that some older parks only have one exit or entrance, creating a bottleneck for residents trying to flee a fire. One allegation in another park forwarded to the committee claimed that of two park exits to public streets, the back entrance was gated and padlocked, and the manager was not available to open the gate. Someone finally found bolt cutters to break the lock. There are some concerns that with the density of most mobilehome parks, and parks in which senior residents are often the predominant age group, there may be a greater need to adopt emergency plans for evacuation in the event of a disaster, such as a fire. The Mobilehome Parks Act (H&S Sec. 18603) provides that every park shall have someone available in person, by phone, or message or answering machine who is responsible for, and who shall reasonably respond to, emergencies concerning operation of the park, and that in parks of 50 or more units, that person or his or her designee shall reside in the park. This section also provides that a park may adopt the State of Emergency Services (OES) plan entitled: "Emergency Plans for Mobilehome Parks" as approved by the Standardized Emergency Management System (SEMS) Advisory Board, on November 21, 1997. (H&S Section 18603). State law has no mandated requirements for emergency or evacuation plans in the event of a disaster for a mobilehome park, but the OES plan, published pursuant to Executive Order W-156-97, was designed as a guide for parks to develop voluntary emergency evacuation plans and to provide information to park residents on emergency procedures. In brief the document envisions that the guidelines be implemented on a volunteer basis by a committee of residents under the leadership of the park manager and suggests, among other things, that the committee develop emergency phone contact lists, identify disabled or senior residents with special needs who may need assistance in an emergency, plan escape routes, conduct training, and hold periodic evacuation drills. The Western Manufactured Housing Communities Association (WMA), a park owner

industry/trade association, also has produced their own “Emergency/Disaster Planning and Preparedness” booklet (2007), which like the OES guide envisions volunteer resident committees operating under the direction of park management in implementing such plans. Presumably, California parks that are WMA members have access to this plan. In December 2008, Senator Padilla introduced Senate Bill 23 (Padilla) to require that, on or after January 1, 2010, all parks develop and implement a fire safety plan and emergency services training for park managers in accordance with requirements of the State Fire Marshal and OES, including procedures for identifying and assisting residents with disabilities and health problems. The bill proposes that parks post such plans in a public place in each park and distribute plans annually to all residents and to new residents upon tenancy. SB 23 also proposes that cities and counties may adopt more stringent standards than state law for ensuring fire prevention and safety in mobilehome parks.

Debris Removal: Questions about the massive job and millions of dollars involved in debris removal after a large fire, such as in Oakridge, have also been brought to the committee’s attention. In a declared disaster, the Federal Office of Emergency Services (FEMA) has a 75-25% formula for funding the clean-up, with FEMA absorbing 75% and state and local agencies the balance. How the 25% will be divvied up is not totally clear. HCD, as the leading code enforcement authority over parks, has no available funds or emergency funding, but the city of Los Angeles is willing to step up to the plate as the leading local agency. HCD has told the committee that a plan has been worked out in which the city will assume code enforcement jurisdiction from HCD on an emergency basis for 60 days under the Mobilehome Parks Act (H&S Sec. 18307) so that the city and the state Office of Emergency Services (OES) will share the 25% cost. The committee has been told that many mobilehome owners, even those with homeowners’ fire insurance, do not have debris removal coverage, so indemnification through private insurance for the outlay of public funds will probably cover only a fraction of the cost. Two months after the fire, clearing debris at Oakridge is still awaiting a plan of action.

Insurance: Fire insurance appears to be a problem for some mobilehome owners. The committee understands that a majority of homeowners who lost homes in the Oakridge park in November had some fire coverage, but in the Sky Terrace Park, there are reports of a number of lower income homeowners who did not have insurance and will probably be permanently displaced, since they cannot replace their homes and the park – according to newspaper reports – will eventually close anyway. An article from the November 18, 2008 *Sacramento Bee* also indicates that their analysis of 2007 census data shows that about ¼ of mobilehomes statewide are not covered by homeowners or fire insurance. Many mobilehome owners own their homes out right, so there is no mortgage or loan insurance requirement. It is not clear why some mobilehome owners do not have fire insurance, other than the fact that many of them are poor, or that insurers do not want to issue policies in high risk wildfire prone areas, or insurance in such areas is expensive.

Attachment

**SENATE BILL No. 23**

**Introduced by Senator Padilla, December 1, 2008**

An act to add Section 18029.7 to the Health and Safety Code, re: manufactured housing.

Legislative Counsel's Digest

SB 23, as introduced, Padilla. Manufactured housing: emergency and fire safety plan.

(1) The Mobilehomes-Manufactured Housing Act of 1980 authorizes the Department of Housing and Community Development to adopt rules and regulations governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes and mobilehomes. Under existing law, a knowing violation of the act is punishable as a misdemeanor offense.

This bill would require, on or after January 1, 2010, an operator of a mobilehome park or manufactured housing community to develop and implement an emergency and fire safety plan and appropriate emergency services training for park or community managers and onsite staff. The bill would require the operator to distribute and post the plan in a conspicuous area accessible to all residents. The bill would specify that these provisions do not prohibit a city, county, or city and county from enacting an ordinance or policy to adopt more stringent standards to ensure fire prevention and public safety.

By creating a new crime or expanding an existing crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason. **Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.**

*The people of the State of California do enact as follows:*

SECTION 1. Section 18029.7 is added to the Health and Safety Code, to read:

18029.7. (a) On or after January 1, 2010, an operator of a mobilehome park or manufactured housing community shall develop and implement an emergency and fire safety plan and appropriate emergency services training for park or community managers and onsite staff. The plan shall include procedures for identifying and assisting residents with disabilities and other health problems.

(b) The plan required by subdivision (a) shall be designed in accordance with requirements determined by the State Fire Marshal and the Office of Emergency Services.

(c) Each operator shall post the plan in a conspicuous area accessible to all residents and distribute a copy of the plan to each resident upon approval of tenancy and annually thereafter.

(d) Nothing in this section shall prohibit a city, county, or city and county from enacting an ordinance, regulation, or policy to adopt more stringent standards to ensure fire prevention and public safety.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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