



Golden State Manufactured-home Owners Education Fund

VIRTUAL TOWNHALL

Friday, September 10, 2021

Featuring Matthew Weise,

Field Operations Manager, Division Codes & Standards @ HCD

This Townhall is sponsored by GSMOEF, known as the Ed Fund, which is a non-profit companion organization to GSMOL.

Today's guest speaker is Matt Weise, Field Operations Manager for HCD's Division of Codes and Standards. He has 14 years' experience in the mobilehome construction industry. He is responsible for the North and South Field offices and operates out of their Riverside office. It is the task of Matt's agency to conduct annual Mobilehome Park Maintenance inspections or MPMs. His department annually inspects about 5% of the 3700 mobilehome parks (MHPs) under their authority. (Some MHPs are under the authority of their local jurisdiction when it comes to inspections.)

The purpose of the MPM or park inspection is to identify significant life, health, and safety issues.

HCD is not the police, and the agency aims for "compassionate enforcement". Inspectors inspect only the outside of a home. They never enter a home or a shed, do not remove skirting, look in windows or look inside water heaters, etc. An exception might be entering a home when they are invited, usually by a renter in a rental unit, who is concerned about interior health and safety issues such as inoperative smoke detectors. When HCD goes out for a reinspection to see if violations have been corrected, they do not add any new violations. Their purpose is to subtract them. You have a right to challenge the call of the department in a process called "Informal Conference" and speak to a senior inspector.

A park is selected for inspection based on one of several criteria:

- There has not been an inspection in 7 years
- No permit has been issued in 12 months which suggests that construction was done without a permit.
- Substantial complaints in a park of gross negligence.

If you want to file a complaint about violations in your park, such as construction without a permit, you can file that complaint with MAC, the Mobilehome Assistance Center on the HCD website. Not all complaints rise to the level that they need inspection. You can file anonymously online or by phone. But if you file anonymously, HCD will be unable to notify you of the result of your complaint. You can file and ask that the park owner not be informed. If the violation is an imminent issue, we respond within 4 business days.

In 2019 the MPM program was audited by the state of California who made 26 recommendations for improvement. Non were critical, most were administrative and the MPM program has responded to most. The agency determined that the list of code violations eligible for citations was unrealistic and some items that were mostly cosmetic were removed because they did not pose an imminent threat.

Common violations:

- A frequent code violation involves sheds and concerns over their encroachment or setbacks. A shed must be no larger than 120 square feet on the floor and not higher than 10 feet. If it is of combustible material, it must be 3 feet off the property line and 6 feet away from any combustible structure on the neighbor's lot. A mobilehome is allowed to cover 75% of its lot. That includes the home, deck and shed. Laws changed in 1974 so if a shed was built prior to 1974, it is allowed to stay since it was not considered a violation at the time of installation. It is grandfathered in. Citations regarding encroachments have increased out of concern for multiple fires in California that have destroyed several MH Parks.
- Missing sheets of siding that provide an entrance for water and rodents etc.
- Missing windows. HCD does not cite for cracked windows which is cosmetic.
- Doors without stairs, including sliding glass doors. Even if Grandma's hutch is in front of it, so no one can fall, it is a fire hazard and prevents entry of fire fighters.
- Electrical extension cords. Live electrical ports. Naked wires all pose serious fire hazards.

- Raw sewage, a health hazard.

Question and Answer Session:

1. Can HCD come out and inspect each home upon sale? Homes in Belmont Shores have received violations for sheds they have on property that has been sold several times without notice of a problem. A: No. The state does not do a safety inspection upon sale. You must hire a certified Home Inspector who understands mobilehomes. If violations exist, even if house transferred hands several times, it is a MRL issue and is under civil law.
2. Can residents be notified by HCD the day and time a park inspection is to occur so they can be home? A: No. HCD notifies the park management of the exact day. It is up to the park to notify its residents and post the date in 3 conspicuous places such as the clubhouse, or on the bank of mailboxes etc.
3. Our 200-space park has 25 mobilehomes owned by the park that are not rentals. Park says they will be for sale when they are repaired. Do you inspect those interiors? A: No. A park-owned unit is subject to exterior inspection, not interior.
4. We have trespassers in our park and management does not evict them. Do you inspect those? A: No. That is outside of our department's purview. Local law enforcement can remove trespassers. We are seeing a lot of that problem.
5. What happens if there is a violation of a lot line, but no one can identify where the lot lines are? A: If a lot line cannot be substantiated then HCD must close the violation. We cannot hold a homeowner responsible for a violation we cannot prove. Many lots lines are presumptive lot lines, such as a block wall between homes. Lot line violations are park violations, not resident ones.
6. Are fences on the exterior of a park under HCD inspection guidelines? A: Yes, depending on where the fence is. If it is on a major right of way, it could be under land use authority. Interior Park fences are under MPM authority.
7. Per a resident, HUD is a good resource to call if rules and regulations are being enforced unevenly and discrimination occurs.
8. How do I find out when my park was last inspected? A: Historical data is internal, and public has no access to it. But you can call Matt and he will tell you.
9. If I get a violation, is the park owner privy to that? And vice versa. A: During the first inspection, if you get a notice of violation with 60 days to fix it, only you know about it. And only the park owner knows about his

violations. Each only sees his own violation. During the second visit to reinspect, we issue a final notice of violation and allow an additional 30 days to fix it. Any violations by the park that are not corrected are posted in 3 conspicuous places, such as the clubhouse or bank of mailboxes. The resident's violations are still private, but you know about the park's violations. During the 3rd visit, the residents' violations are made public to the park. This is because under law, uncorrected violations of the resident become violations of the park since it is on his private property. This is when civil action can be taken. HCD cannot evict. It is a civil action that the park can take.

10. Who inspects parks owned by the city? A: If a park is owned, operated, and maintained by the city, HCD has no enforcement authority to inspect. If a local enforcement agency is involved, but not the city, HCD has some capability to go in and audit for violations and get involved. If you are concerned, file a complaint with the Mobilehome Assistance Center and HCD will investigate it.
11. My park has not opened its common area facility. They say it is under construction, but this has been going on for a long time. What can we do? A: Any structure that is used for residents is subject to inspection by HCD.
12. After our park was inspected, residents were not given notice in writing that all violations had been corrected and that the MPM was closed. Do violations go into a data base? A: Violations do not just disappear. By law, we annotate that the violation was cleared and keep a record indefinitely. We are addressing complaints about lack of notification when a MPM is closed and are programming our computer system to send a letter from HCD saying all violations are corrected and the MPM inspection is closed.
13. Can a shed have power and lights? A: Yes. Lights are allowed under law. You need a permit to get the power.
14. We have 67 spaces and no on-site manager. Emails and phone calls are not answered. What can we do? A: Parks with 50 or more sites need an on-site manager or person readily accessible by phone. Yes, HCD can cite for that. Regarding calls not answered, there is a burden of proof requirement since it is hearsay - a he-said, she-said situation.
15. I called HCD regarding lights not working in my park and have not heard from them in 3 weeks. A: We have 30 working days to respond. I will investigate that.
16. If a shed is on a lot line but the adjacent home is over 6 feet away, can it be cited? A: If it is combustible, the code is clear. It must be 3 feet from the lot line and 6 feet away from adjacent property. The key is what the shed is made of.

17. Can a resident be cited for speeding in a park? A: That is a CC&R violation. Talk to Bruce Stanton or civil counsel.
18. Driveways and streets are unsafe in our park. Can they be cited? A: No. Driveways are flat work and are not subject to inspection by MPM. No permit is required. Only things the inspector can cite are road widths, parking on the road and large potholes that can fill with water. Cracked roads are not citable. This is a MRL civil code problem. You can file a complaint with HCD but under the MRLPP or MRL Protection Program – not the MAC or Mobilehome Assistance Center. HCD will evaluate the MRLPP complaint and those that rise to a certain threshold can be referred to a legal entity at no cost to you.