

STATE LEGISLATION

Emergency Preparedness and Evacuation Plans Required



Terry R. Dowdall, Esq. has specialized in manufactured home communities' law since 1978. His firm, Dowdall Law Offices, A.P.C. is located in Orange County and Sacramento, with a practice limited exclusively to the manufactured home community industry. Mr. Dowdall can be reached at Dowdall Law Offices, A.P.C. Orange Office: 284 North Glassell Street, 1st Floor, Orange, CA 92866; 714.532.2222 phone; 714.532.3238 fax; Sacramento Office: 980 Ninth Street, 16th Floor, Sacramento, CA 95814; 916.444.0777 phone; 916.444.2983 fax; and email: trd@dowdalllaw.net; www.dowdalllaw.com

How do you fight a fire as hot as an acetylene torch? As Monty Python's infamous exhortation goes, "Run away! Run away!" Well, apparently not content with the good sense of our residents to do just that, the Legislature now gives us a law that requires management to tell residents and buyers they should, *no kidding*, leave the park in the event of serious emergencies.

The Bill in Summary:

Senator Padilla's SB 23 amends the *Health and Safety Code* to require park owners to devise, adopt and disseminate an "**Emergency Preparedness and Evacuation Plan**" ("EPEP"). In summary, before September 1, 2010, management must:

1. Adopt an EPEP;
2. Post notice of the EPEP (in clubhouse or other conspicuous location);
3. Give notice of the EPEP to residents and "how to access governmental emergency preparedness information, which may be accomplished in a manner that includes, but is not limited to, distribution of materials and posting notice of the plan or information on how to access the plan via the Internet"; and,
4. Give a copy of the notice of the EPEP to new purchasers.

"Notice" of the plan means "advising how to access the plan, and information on individual emergency preparedness information from the appropriate state or local agencies, including, but not limited to, the California Emergency Management Agency." This may be accomplished in a manner that includes, but is not limited to, "distribution of materials and posting

notice of the plan or information on how to access the plan via the Internet" (assuming it is posted there). The Department of Housing and Community Development (or local enforcement agency, if applicable) is charged with the responsibility to determine compliance with the law.

Due to potential liability for missteps in interpreting this law, I suggest that the EPEP *itself* be posted, *and* actually provided to all residents, and that extra copies be available in the park office. I recommend providing the entire EPEP to new homeowners (not just "notice" of it).

For very large properties, a complex plan may be more appropriate. The law is clear, however, that *residents have the personal responsibility to evacuate themselves during an emergency; management is not responsible to evacuate residents*. Finally, the resident manager must be "familiar" with the EPEP: The resident manager is NOT responsible for evacuating residents.

What does the EPEP need to say?

The EPEP may consist of the emergency procedures and plans approved by the Standardized Emergency Management System Advisory Board on November 21, 1997. To view, or download a copy, visit the author's website (www.dowdalllaw.com/emergency-plan-for-mobilehome-parks.pdf). You may also go to www.wma.org, click on the resource center link, and then click on useful documents.

Content may Differ from Park-to-Park

The content of the plan will differ park-by-park; however, the OES pamphlet provides an example of a conforming plan from which to model your own

EPEP. Items to be covered will include, among others:

- **Park Diagram:** The EPEP should include a diagram of the park showing all exits and roads, and advising that in an emergency evacuation, the most direct route should be taken. Gathering and collection points should be identified. The number and location of entrances and exits, obstacles to evacuation, areas for air-lifts, major safe-sites that emergency agencies use for evacuation, and improving home safety should also be identified.
- **Residents May Form a Committee:** The model EPEP covers suggested resident formation of a phone committee to call and contact residents. Owners may or may not desire to have managers join or participate, depending on attorney's advice (respecting the liabilities of volunteers, insurance and workers' compensation concerns).
- **Safety Equipment and Unsafe Conditions to Avoid or Remedy:**

Items to cover could include functioning smoke detectors and fire extinguishers. Not mentioned, but high risk issues could include: Mobilehome HVAC defects (old fire boxes cause fires); aluminum wiring (fires); asbestos; clutter inside and out (a major determinant of fire duration and intensity); illegal wiring and code violations inside and out (e.g., overloading circuits, "gerry-mandered" pedestals, extension cords outdoors, and exposed wires); assessment of dangerous and ill-kept homes (dry landscaping, volatile siding and other building materials); or residents with potentially dangerous habits, e.g., smoking in bed, forgetfulness (leaving stove on), chronic inebriation, storing volatile materials, e.g., cleaning solvents, ammunition, etc. NOTE: Management is helpless to deal with interior conditions, as HCD refuses to inspect for code violations inside any mobilehome; thus, dangerous conditions may go unabated until

disaster strikes.

- **Resident Preparation:** Contacting the Red Cross; finding out which disasters are most likely to occur in their area; learning the community's evacuation routes; animal care during and after an emergency; locating evacuation sites (schools, community centers, or fair grounds); keeping a checklist of emergency procedures, and what to do when disaster strikes (remain calm, check for injuries, evacuate if so advised, do not light matches or turn on electrical switches, shut off any damaged utilities, steps of that nature).
- **Including Relevant Information:** For example, during a severe earthquake, manufactured homes have been known to drop off their supports and these supports may come through the floor causing physical damage above. Fires attack older mobilehomes with more frequency and ferocity. Older homes are especially vulnerable due to inferior materials, a lack of any governmental standards, presence

Just Listed! - \$1,300,000 - Upside
North East San Diego County - Julian, CA
Clean 19 Space, Stable Occupancy
On Approx. 7.43 Acres (5 Vacant Acres)
Old permits for 30 additional spaces
On City Services, All utilities passed thru
Below Market Rents, No Rent Control

Just Listed! - 3 Mobile Home Parks
High Desert - San Bernardino County
Priced from \$900,000 - \$1,500,000
Cap rates ranging from mid 7% - 9%
Parks range from 30-68 spaces
Clean, Well Maintained, Upside Potential Parks
Call us today for more details on these parks

\$3,950,000 - 6.56% CAP - \$54,861/Space
Big Bear Lake, CA - San Bernardino County
55+ MHC Park, No Rent Control
Clean 72 Space Park, Well Maintained
Stable Income with Strong Tenant Base
On Approx. 6.42 Acres, Avg. Rent \$451
On City Services, All utilities passed thru

\$4,050,000 - 9.6% CAP - \$19,660/Space
Desert Hot Springs, CA - Riverside County
206 Space Park - 163 MH + 43 RV
55+ Park, Avg. Rent \$359
On Approx. 20.6 Acres with City Water
Huge Upside Potential
3 Hot Springs Pools, Great Amenities

Vince Reynolds
858.456.5111
reynolds@mhrvadvisors.com

MHRV
ADVISORS

Norman Sangalang
858.456.5110
norman@mhrvadvisors.com

Park Sales and Loans
www.mhrvadvisors.com

of asbestos and other chemicals no longer permitted, and construction techniques and materials. Efforts to require removal of this inferior housing on sale remain unsuccessful due to opposition to WMA's efforts to stop perpetuation of these unsafe homes. The fact is that a fire destroys a mobilehome in 3 to 5 minutes; fire departments do not try to save the involved home; but only the surrounding homes.

- **Resident Family Meetings:** Suggest that residents meet with family members and discuss preparations for disasters such as fire, severe weather and earthquakes, with children, elderly individuals and persons needing special assistance. The EPEP can suggest residents draw a floor plan of the mobilehome and mark two escape routes from each room (residents should eliminate illegally-constructed interior rooms without means of escape); installing smoke detectors and fire extinguishers; discussing what to do in an evacuation; finding safe spots for each type of disaster; post emergency phone numbers near the telephone; turn on a battery powered radio for emergency information; choosing out-of-state and local friends or relatives to call if separated by disaster; teaching children how and when to call 9-1-1, and a long-distance contact person; choosing meeting places near home in case of fire, and outside the neighborhood in case you cannot return home after a disaster; keeping family records

in a water and fire-proof container; and locating the main electric fuse box, water service main, and natural gas main shut off valves and how and when to shut down utilities. Residents should be advised that if they turn the gas off, they will need a professional to turn it back on and testing may reveal the need for repairs. Residents can be advised to take a basic first-aid and CPR class, and prepare a disaster supply kit.

- **Include Information about Actions when an Emergency Takes Place:** For example, residents should: Remain calm; check themselves and then others for injuries; provide first aid assistance, or seek help for the seriously injured. Evacuate if advised to do so, wear appropriate clothing and shoes; check for damage to the home - use flashlight (no matches), do not turn on electricity; check for fire, fire hazards and other hazards; sniff for gas leaks, start at the water heater and if detected, turn off main gas valve, open windows, and evacuate. Clean up spilled medicines, bleaches, gasoline and any other flammable liquids immediately; confine and secure pets (it is a violation of Title 25 to allow animals to roam in the park). Residents should be told to call family contacts, check on neighbors, especially elderly or disabled persons; and make sure adequate water supply is available, and stay away from downed power lines.
- **Disaster Specific Steps and Procedures:** Residents should also

be advised of preparation, and steps and procedures relative to various disasters.

1. *Earthquakes e.g.*, know the location of piers/supports under the homes; take cover under any sturdy piece of furniture, etc.; stay away from windows or ceiling objects; do not light matches or candles; do not turn on electrical equipment of any kind; and when outside, stay away from power poles and electrical lines, tall buildings, bridges, brick or block walls, underpasses and trees.
 2. *Fire e.g.*, ensure properly operating smoke detectors and fire extinguishers are installed in the home. Residents should plan at least two escape routes from the manufactured home and practice fire drills regularly, using a smoke detector as a signal to start the drill. Ensure heating and electrical systems are properly maintained and in good working order, take special care not to overload the electrical system; keep matches, lighters, and candles away from small children; insure personal property; know how to use a fire extinguisher; call 9-1-1; turn off the gas and electricity at the home(s) affected; tell other residents to stand ready with water hoses to wet down their homes; never go back into a burning home; never open a door that is hot to the touch; and in the event that clothing should catch fire: first drop, then roll, never run, roll yourself up in any nearby rug or blanket.
- **First Aid Kits and Disaster Supplies:** Additional information should be provided to residents to allow them to prepare and respond to floods. Information should also contain the recommended first aid supplies; the contents of first aid kits; family disaster supplies kit; and a list of contact agencies who supplied information for this guidance and may be able to provide additional emergency information, such as State-Federal Flood Operations Center, Office of the State Fire Marshall, Department of Water Resources, Flood Forecasting, HCD,



Management...

Quality ...

Service ...

... a hands on service

a full service property management company

La Cumbre
Management

800.767.0058

Governor's Office of Emergency Services (Mutual Aid Regions I, II, III), American Red Cross Disaster Assistance Division and the National Weather Service (NWS), among other agencies.

Duties and Opportunities:

SB 23 imposes liability for failure to comply with this law. First, failure to comply leads to a citation (cured within 60 days), and worse, if someone is somehow injured due to non-compliance, the owner may be liable! This last 'zinger' of a barb, is, ostensibly, a coercive nudge to insure compliance. So, let's make sure to develop an EPEP for each park!

Senator Padilla should be saluted for prompting community operators to make residents aware of the need for emergency preparedness and personal responsibility to evacuate in time of emergency. This disclosure requirement is a law whose time has come. In matters of concern for life and safety, additional inconvenience and awareness may save lives and it is undoubtedly justified. ■



Dedicated Personal Service

PROFESSIONAL MANAGEMENT

Manufactured Housing & RV Communities

ST. CLAIR PROPERTY MANAGEMENT

www.stclairpropertymgmt.com

714.963.7466 ♦ 714.963.7461 fax

LIPSCOMB REAL ESTATE

<p>AVAILABLE</p> <ul style="list-style-type: none">41 spaces ~11 cap30 spaces ~ Full ~ Owner carry25 spaces ~ 9 cap ~ Owner carry64 spaces ~11 cap ~ \$765,00057 spaces ~ Sonoma County ~ Owner carry	<p>IN ESCROW</p> <ul style="list-style-type: none">145 spaces ~ Solano County300 spaces ~ LA County155 spaces ~ Santa Barbara County
--	---

HAPPY HOLIDAYS

P: 831.373.3013 | F: 831.373.2582 | mhpking@redshift.com

Subsurface Electric, Inc.

6360 Industrial Avenue, Riverside, CA 92504
951.354.9900 Calif. - C10-491957
951.354.0709 fax Ariz. - A17-111341
L11-111342

Spend your money wisely, call
Subsurface Electric, Inc., first!

24-hour service.
Serving the Mobile Home
and R.V. Communities since 1972.
Redesign and rewire of old systems.
Complete High & Low voltage expertise.
Maintenance, repair & underground fault locating.