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BION M. GREGORY

Sacramento, California
June 30, 1982

JUN 30 1982

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Honorable Dominic L. Cortese
Assembly Chamber

Mobilehome Residency Law (A.B. 2429) - #15616

Dear Mr. Cortese:

QUESTION

If the amendments to Assembly Bill No. 2429, as amended in Assembly June 2, 1982, prepared under Request No. 15617 are adopted, would the bill's substitution of the term "homeowner" for the term "tenant" for the purposes of the Mobilehome Residency Law result in a substantive change in the existing law?

OPINION

If the amendments to A.B. 2429 prepared under Request No. 15617 are adopted, the bill's substitution of the term "homeowner" for the term "tenant" for the purposes of the Mobilehome Residency Law would not result in a substantive change in the existing law.

ANALYSIS

The Mobilehome Residency Law, which is contained in Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code,¹ regulates the landlord-tenant

¹ All section references hereafter are to the Civil Code.

relationship between the management of a mobilehome park and the tenants of that park, with respect to such matters as the rental agreement, fees and charges, tenant meetings, termination of tenancies, and transfer of mobilehomes, among other things.

"Tenant" is defined, for purposes of the act, in Section 798.9, as a person who has a tenancy in a mobilehome park under a rental agreement.

"Tenancy" is, in turn, defined in Section 798.12 as the right of a tenant to the use of a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of services and facilities of the park.

A.B. 2429 proposes, among other things, to substitute the term "homeowner" for that of "tenant" in various provisions of the Mobilehome Residency Law.

"Homeowner" would be defined by the amendments prepared under Request No. 15617 as "a person who has a tenancy in a mobilehome park under a rental agreement."

Thus, under the provisions of the proposed amendments, the term "homeowner" would be defined in precisely the same manner as the term "tenant" is defined under existing law.

Accordingly, inasmuch as the term "homeowner" would be defined in the same manner as the term "tenant" is defined under existing law, and would be substituted for that term, in our opinion if the amendments to A.B. 2429 prepared under Request No. 15617 are adopted, the bill's substitution of the term "homeowner" for the term "tenant" for the purposes of the Mobilehome Residency Law would not result in a substantive change in existing law.

Very truly yours,

Bion M. Gregory
Legislative Counsel


By
Marguerite Roth
Deputy Legislative Counsel

MRR:ns

MARK FRANKLIN TERRY declares:

1. I am a Deputy Legislative Counsel in the Office of Legislative Counsel, and I have held this position continuously since May 1, 1981.

2. I have examined the official records of the Office of Legislative Counsel, and I certify that the attached document is a true and correct photocopy of Legislative Counsel Opinion No. 82:15616, issued on June 30, 1982, relating to the Mobilehome Residency Law.

3. I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 7, 1988, in Sacramento, California.

Mark Franklin Terry

Mark Franklin Terry

REQUESTS FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL
Assemblyman Cortese was granted unanimous consent that the following communication be printed in the Journal:

Opinion of Legislative Counsel

Sacramento, June 30, 1982

Honorable Dominic L. Cortese
Assembly Chamber

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OPINION

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ANALYSIS

The Mobilehome Residency Law, which is contained in Chapter 2.5 (commencing with Section 795) of Title 2 of Part 2 of Division 2 of the Civil Code,¹ regulates the landlord-tenant relationship between the management of a mobilehome park and the tenants of that park, with respect to such matters as the rental agreement, fees and charges, tenant meetings, termination of tenancies, and transfer of mobilehomes, among other things.

"Tenant" is defined, for purposes of the act, in Section 798.9, as a person who has a tenancy in a mobilehome park under a rental agreement.

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Very truly yours,

Bion M. Gregory
Legislative Counsel

By Marguerite Roth
Deputy Legislative Counsel

Exhibit
"A"