

**State of California
Office of Administrative Law**

In re:
Department of Housing and Community
Development

Regulatory Action:

Title 25, California Code of Regulations

Adopt sections: 5535, 5535.5, 5536, 5536.5

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0710-02

OAL Matter Type: Emergency Readopt (EE)

This emergency action readopts a waiver program for manufactured and mobile home owners who have not registered their homes with the Department of Housing and Community Development (HCD), as required by law, due to accumulated and unpaid fees, taxes, and penalties. By statute, HCD and local tax assessors waive/abate amounts due under the program.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 7/25/2017 and will expire on 10/24/2017. The Certificate of Compliance for this action is due no later than 10/23/2017.

Date: July 18, 2017



Mark Storm
Senior Attorney

For: Debra M. Cornez
Director

Original: Ben Metcalf
Copy: Ruth Ibarra

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

See instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2017-0710-02EE
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For use by Office of Administrative Law (OAL) only	
<p>NOTICE</p>	<p>REGULATIONS</p>

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUL 18 2017

3:21 pm

AGENCY WITH RULEMAKING AUTHORITY
Department of Housing and Community Development

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) AB 587 - Fee and Tax Waiver Program	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-0113-03E, 2017-0410-02
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT Article 3.5, Sections 5535, 5535.5, 5536, and 5536.5
	AMEND
TITLE(S) 25	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

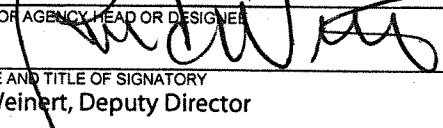
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) July 25, 2017
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Ruth Ibarra	TELEPHONE NUMBER (916) 263-3262	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) ruth.ibarra@hcd.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 7/10/2017
TYPED NAME AND TITLE OF SIGNATORY Richard Weinert, Deputy Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 18 2017

Office of Administrative Law

AB 587 Emergency Regulations

1. Article 3.5 (commencing with Section 5535) is added to Title 25, Division 1, Chapter 5, as follows:

Article 3.5. Registration of Manufactured Homes or Mobilehomes with Fee and Tax Waiver Program

5535. (a) On or before December 31, 2019, a person or entity who asserts ownership of a manufactured home or mobilehome previously registered in California, as a result of a purchase or transfer of that home, but who has not registered that home with the Department, may apply for registration of his or her interest in that home in a manner consistent with this Article, the Fee and Tax Waiver Program, and upon satisfaction of these requirements, shall be eligible for relief through a waiver of a portion of the Department fees and penalties outstanding on that home or waive all or a portion of local property taxes and late fees due on that home.

(b) A person or entity may not obtain more than one waiver pursuant to this Article.

(c) This Article does not apply to registration of new manufactured homes or mobilehomes.

(d) This Article does not apply to registration of manufactured homes or mobilehomes not previously registered in California and subject to Article 2 (commencing with Section 5520).

(e) The Department may develop and provide informational and educational materials regarding the various procedures required by this Article.

(f) The Department will provide informational materials in other commonly used languages to the extent that resources are available to do so.

(g) For the purposes of this Article, the following definitions shall apply:

(1) "Waiver" includes waiving, abating, forgiving, or otherwise reducing or eliminating outstanding property taxes, Department in-lieu tax fees, and other costs addressed in this Article.

(2) "Registering" or "registration" shall include registration of a manufactured home or mobilehome pursuant to the Fee and Tax Waiver Program.

(3) "Conditional Certificate of Title" means the temporary titling document issued by the Department as part of the Fee and Tax Waiver Program that provides proof of a conditional ownership of a mobilehome or manufactured home as a result of the Fee and Tax Waiver Program, and permits the home to be registered in the name of the applicant, but may not be used to demonstrate the status as the registered owner for the purpose of a resale or transfer of title, secure a loan or lien or for any other purpose.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code

5535.5. If the manufactured home or mobilehome is subject to annual renewal fees, including the annual registration fee, the in-lieu tax fee or vehicle license fee, and the Mobilehome Park Rehabilitation and Purchase Fund fee, the applicant shall comply with

this Article's registration and Fee and Tax Waiver Program requirements except for Section 5536, including completion of an application form requesting the information or proof of compliance in subsections (a) through (c).

(a) The application for registration pursuant to this article shall include a request for fee and tax waiver relief which includes the following information:

- (1) Name(s), mailing address, telephone, and email address if any, of the applicant(s);
- (2) Unit identifying information;
- (3) Unit location;
- (4) Date of sale or transfer and purchase price, if any; and
- (5) A statement of facts signed under penalty of perjury by the applicant providing the following statements and information:
 - (A) Applicant is applying for the fee and tax waiver program;
 - (B) Applicant's description or documentation demonstrating ownership or how the applicant received ownership;
 - (C) Applicant's date of acquisition of, or ownership interest, pursuant to Sections 18100.5 or 18102.5;
 - (D) Applicant's declaration that a request for the Fee and Tax Waiver Program is being made prior to December 31, 2019; and
 - (E) Applicant(s) has not previously obtained a registration and fee and tax waiver relief subject to this Article.

(b) The applicant shall comply with the applicable registration requirements in this Chapter and submit required documents pursuant Sections 5530 or 5531 except to the extent that they are waived by this Article.

(c) In addition to the other requirements of this section, the applicant(s) shall comply with all requirements in Article 4 (commencing with Section 5540) and the following:

- (1) Payment of all fees required by the fee schedule in Section 5660 for registration of a manufactured home or mobilehome except to the extent that they are waived by this Article;
- (2) Payment of all annual renewal fees assessed from the time the applicant took ownership interest or December 31, 2015, whichever is later, and the time that the applicant applied for fee and tax relief pursuant to Section 18116.1.
- (3) Payment of use taxes;
- (4) Proof of transfer by the registered owner of record by means of a signed certificate of title or an alternative authorized by this Chapter including but not limited to a bond or other undertaking authorized by Section 5547;
- (5) Proof of release, assumption, or satisfaction by each legal owner or junior lienholder on the title record, or alternatives authorized by this Chapter, and applications and fees related thereto; and
- (6) Provide proof of compliance with all laws and this Chapter necessary for a transfer of a manufactured home or mobilehome, including but not limited to, a smoke alarm and carbon monoxide alarm certification pursuant to Sections 4326 and 4328.

(d) Upon receipt and the Department's determination of compliance with this Chapter of the Fee and Tax Waiver Program application, payment of all fees due, and all required documents, the Department shall issue a standard certificate of title and other required titling documents.

(e) The applicant shall provide the information required by this section on a form provided by the Department. The form also may request information required by Chapter 5 which is necessary to ensure the applicant(s) meets all of the requirements of this Chapter related to nonpayment or late payment of the Department charges or fees and penalties not related to registration and titling.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code; California Code of Regulations Sections 4326 and 4328.

5536. If the manufactured home or mobilehome is subject to local property taxation, the applicant shall comply with the requirements of the registration and Fee and Tax Waiver Program as required by this Article except for Section 5535.5, including completion of an application form requesting the information or proof of compliance in subsections (a) through (d).

(a) The application for registration pursuant to this Article shall include a request for fee and tax waiver relief which contains the following information:

- (1) Name(s), mailing address, telephone, and email address if any, of the applicant(s);
- (2) Unit identifying information;
- (3) Unit location;
- (4) Date of sale or transfer and purchase price, if any; and
- (5) A statement of facts signed under penalty of perjury by the applicant providing the following statements and information:
 - (A) Applicant is applying for the fee and tax waiver program;
 - (B) Applicant's description or documentation demonstrating ownership or how the applicant received ownership;
 - (C) Applicant's date of acquisition of or ownership interest, pursuant to Sections 18100.5 or 18102.5;
 - (D) Applicant's declaration, to the best of their knowledge, that any lien pursuant to Government Code Section 16182 has been satisfied;
 - (E) Applicant's declaration that a request for the fee and tax waiver program is being made prior to December 31, 2019; and
 - (F) Applicant(s) has not previously obtained registration and fee and tax waiver relief subject to this Article.

(b) The applicant shall comply with the applicable registration requirements in this Chapter and submit required documents pursuant to Section 5530 when a licensed dealer was involved in the sale, lease or, transfer, with the exception of 5530(b)(4) if applicable.

(c) The applicant shall comply with the applicable registration requirements in this Chapter and submit required documents pursuant Section 5531 with the exception of 5531(c)(4) if the applicant obtained the home other than by or through a licensed dealer.

(d) In addition to the other requirements of this section, the applicant(s) shall comply with all requirements in Article 4 (commencing with Section 5540) and the following:

- (1) Payment of all fees required by the fee schedule in Section 5660 for registration of a manufactured home or mobilehome except to the extent that they are waived by this Article;

(2) Release from the State Controller's Office of any Government Code Section 16182.1 tax postponement liens;

(3) Proof of transfer by the registered owner of record by means of a signed certificate of title or an alternative authorized by this Chapter, including but not limited to, a bond or other undertaking authorized by Section 5547;

(4) Proof of release, assumption, or satisfaction by each legal owner or junior lienholder on the title record, or alternatives authorized by this Chapter and applications and fees related thereto; and

(5) Provide proof of compliance with all laws and this Chapter necessary for a transfer of a manufactured home or mobilehome, including but not limited to, a smoke alarm and carbon monoxide alarm certification pursuant to Sections 4326 and 4328.

(e) Upon receipt and the Department's determination of compliance with this Chapter of the Fee and Tax Waiver Program application, payment of all fees due, and all required documents, the Department shall issue a conditional certificate of title. The conditional certificate of title issued by the Department shall contain the following:

(1) Information substantially similar to that required on the registration application as provided in Health and Safety Code Section 18085 that will show conditional registered title status in lieu of registered ownership; and

(2) A statement that a conditional certificate of title may not be used to demonstrate registered owner status for the purposes of a resale or transfer of title, to secure a loan or lien, or for any other purpose.

(3) A seal or other unique identifier authenticating that the conditional certificate of title originated from the Department.

(f) The Department shall issue a new certificate of title and other titling documents when the applicant(s) provides the Department with all of the following:

(1) Tax Liability Certificate or Tax Clearance Certificate from the applicable county tax collector's office; and

(2) The conditional certificate of title previously issued per the fee and tax waiver program; and

(g) The applicant shall provide the information required by this section on a form provided by the Department. The form also may request other information required by Chapter 5 which is necessary to ensure the applicant(s) meets all of the requirements of this Chapter not related to nonpayment or late payment of the Department charges or fees and penalties related to registration and titling.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code; California Code of Regulations Sections 4326 and 4328.

5536.5. (a) This Article takes effect on January 1, 2017, or the effective date thereafter approved by the Office of Administrative Law.

(b) This Article is repealed on December 31, 2020, unless a law or regulation promulgated prior to or on that date removes or amends this section or the expiration dates in Chapter 396 of the Statutes of 2016.

Note: Authority: Section 18075, Health and Safety Code. Reference: 18116.1, Health and Safety Code; Section 5832, Revenue and Taxation Code.