Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2596 (Gipson) – As Introduced February 20, 2026

PROPOSED CONSENT

SUBJECT: MOBILEHOME PARKS: FEDERALLY APPROVED HOUSING PROGRAMS: COMPLIANCE WITH STATE AND LOCAL LAWS

KEY ISSUE: SHOULD THE LEGISLATURE CLARIFY THAT A MOBILEHOME PARK OPERATOR OR OWNER'S FAILURE TO COMPLY WITH FEDERAL LAW DOES NOT EXEMPT THEM FROM COMPLIANCE WITH APPLICABLE STATE LAWS?

SYNOPSIS

State and federal law both prohibit discrimination on the basis of protected characteristics in housing-related transactions. The federal Housing for Older Persons Act (HOPA) amends the Fair Housing Act (FHA) to provide senior living community operators protection from liability for what would be discriminatory practices so long as they meet specified requirements. These prohibitions and exemptions are mirrored in the Unruh Act and Civil Code Sections 51.2 and 51.3. Unfortunately, and reflective of the state's larger housing crisis, recent years have seen a rise in senior mobile home parks transitioning to all-ages parks. One particular case out of Petaluma appears to have prompted this legislation which seeks to reaffirm that a mobile home park operator that does not comply with federal law must continue to comply with state law.

This bill is sponsored by the California Association of Code Enforcement Officers and the Golden State Manufactured-Home Owners League. It is additionally supported by the Cities of Cotati and Petaluma, and the Wine Country Young Democrats. There is no known opposition. This bill was previously heard by the Assembly Committee on Housing and Community Development where it was approved on consent.

SUMMARY: Reaffirms that a mobile home park operator or owner that fails to comply with federal law or other federal requirements imposed in connection with a federally approved housing program is still required to ensure ongoing compliance with applicable state laws and local ordinances.

EXISTING LAW:

1) Establishes the Mobile Home Residency Law (MRL), which governs the rights, responsibilities, and relationships between mobile home park management and park residents. (Civil Code Section 798 *et seq*. All further references are to the Civil Code unless otherwise noted.)

2) Requires mobile home park management, when the management proposes an amendment to the park's rules and regulations, to meet and consult with the homeowners in the park, their representatives, or both, after written notice has been given to all the homeowners in the park at least 10 days before the meeting, except as specified. (Section 798.25 (a).)

3) Authorizes mobile home park management, following the meet and consult process in 2) above, to implement the noticed amendment without the homeowner's consent upon written notice of not less than six months, with exceptions related to recreational facilities and changes to the MRL, as specified. (Section 798.25 (b).)

4) Authorizes park management to require a prospective purchaser to comply with any rule or regulation limiting residency based on age requirements for housing for older persons, provided that the rule or regulation complies with the federal Fair Housing Act and implementing regulations. (Section 798.76.)

5) Establishes the Unruh Civil Rights Act, which provides that all persons in the state are free and equal and are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind. Prohibits arbitrary discrimination by such establishments on the basis of characteristics including sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. (Section 51.)

6) Prohibits a business establishment from discriminating in the sale or rental of housing based upon age, with exceptions for accommodations designed to meet the physical and social needs of senior citizens, as specified. (Section 51.2 (a).)

7) Establishes the Fair Housing Act which prohibits discriminatory practices in housing-related transactions on the basis of protected characteristics. (42 U.S.C. Section 3601 *et seq*.)

8) Exempts senior living communities that meet specified standards from the prohibitions against discrimination under the FHA. (42 US.C. Section 3607.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: Under both state and federal law, businesses are prohibited from discriminating on the basis of a protected characteristic. The federal Fair Housing Act prohibits discrimination in housing-related transactions, including lending and rental transactions. (42 U.S.C. Section 3601 *et seq.*) In 1995, the FHA was amended to incorporate the Housing for Older Persons Act (HOPA) to clarify when a senior living community may lawfully impose age requirements for residency and avoid liability for potential discrimination on the basis of familial status. (42 U.S.C. Section 3607.) In order to benefit from the safe harbor provided by HOPA, a senior living community must demonstrate an intent to operate as a senior living community; maintain at least 80% occupancy of residence aged 55 or older; and comply with age-verification requirements.

In California, the Unruh Civil Rights Act, codified at Civil Code Section 51 prohibits businesses from engaging in discriminatory behaviors on the basis of a number of protected characteristics, including age. Civil Code Section 51.2 further prohibits businesses from discriminating in the sale or rental of housing, but also provides that "selection preferences based on age, imposed in connection with a federally approved housing program, do not constitute age discrimination in housing." (Civil Code Section 51.2 (e).) To further clarify state law with respect to HOPA, Civil Code Section 51.3 shields certain qualifying senior living communities that impose age restrictions that would otherwise violate the Unruh Act from liability, so long as they meet specified requirements that mirror those imposed under HOPA.

Mobile Home Residency Law. Mobile home parks are one of the few remaining consistently affordable types of housing in California, and also one of the few types of stand-alone housing options for the state's senior population. Senior mobile home parks are therefore fairly common, and are one of the types of senior living communities exempted from the Unruh Act and FHA's anti-discrimination policies pending compliance with HOPA and Civil Code Section 51.3. Federal regulations promulgated by the federal Department of Housing and Urban Development under HOPA authorize cities to develop local ordinances related to senior communities in mobile home parks. Additional regulations and requirements for mobile home parks are codified in the Mobile home Residency Law (MRL) at Civil Code Section 798 *et seq.* The MRL imposes strict requirements in the event a mobile home park intends to change their rules or regulations. In order to do so, park management must provide written notice of the proposed change, and provide homeowners an opportunity to meet and consult regarding the change.

This bill simply states that a mobile home park operator or owner that fails to comply with federal law or other requirements related to a federally approved housing program must continue to comply with applicable state laws and local ordinances. According to the author:

> AB 2596 makes clear that failure to maintain federal documentation or failure to comply with federal age-verification requirements does not relieve a mobile home park owner of the obligation to comply with California law and locally adopted senior-housing ordinances. Without this clarification, mobile home park owners are attempting to use technical compliance gaps as a pretext to convert senior communities to all-ages parks, which is leads to significant rent increases, the displacement of long-time residents, and the loss of critical affordable housing for older Californians. This bill restores legislative intent, reduces unnecessary litigation, preserves local land use authority, protects vulnerable seniors from economic displacement, and closes a loophole being exploited by bad actors.

Considerations. There is no reason, statutory or otherwise, to believe that an owner or operator's failure to comply with HOPA's requirements would in any way relieve them of their obligation to comply with state law. Federal law and state law generally operate independently of one another and in the case of these relevant Civil Code provisions, while it references administration of federal programs, imposes its own standards for compliance. This type of statutory construction can often occur where a state believes in the policy of a federal program and wants to ensure that, even if the federal program is eliminated, the state will have its own counterpart. A statute that explicitly states that a business or entity must comply with state law even when they are out of compliance with federal law is not only odd, but creates an implication that there may be some circumstance where noncompliance with federal law does, in fact, exempt compliance with federal law. Absent a clear need for clarification or a pervasive interpretation of existing law to suggest as much, it is arguably inadvisable to codify language stating what is generally true for all statutes due to this implication.

It should also be noted that HOPA and the Civil Code statute do not function as a statute that a mobile home park must always comply with. Instead, the statutes function more as a safe harbor from liability for discriminatory behavior that would violate the FHA and Unruh Act in order to allow senior living communities to operate. Nothing in either federal or state law requires a park that had been operating as a senior living community and benefitting from HOPA's liability shield to continue to do so in perpetuity. Rather, a park operator that had been benefitting from compliance with HOPA and Section 51.3 may decide to change their business model at which point neither statute continue to apply.

The case of Petaluma's senior mobile home park. In 2023, the Petaluma City Council approved an overlay district for senior mobile home parks which effectively codified "seniors only" designations at five mobile home parks. This move came in the wake an announcement by one of the mobile home park owners of their intent to convert the park to all-ages park. The owners challenged the overlay, arguing it discriminated against other adults and families also seeking affordable housing. (Marisa Endicott, *Escalating fight over Petaluma mobile home park rules heralds larger policy battle over key affordable housing stock* (November 25, 2025) The Press Democrat available at: https://www.pressdemocrat.com/2025/11/25/petaluma-mobile-home-park-rules-court-fight/.)

In theory, the park operator would have been precluded from shifting operations to an all-ages park had the overlay been in place when they made that decision, but it seems that the overlay was imposed *after* the change was announced and therefore their actions *prior* to the overlay seem within the bounds of the law. While certainly harmful to the community's current residents, absent local ordinances to the contrary, the initial decision to change to an all-ages park does not appear to have violated any state or federal law. Absent regulation or local laws requiring parks to function as a senior living community, the owners would not be liable under either Unruh or the FHA so long as they did not engage in any prohibited discriminatory practices.

The legal circumstance likely changes, however, where a mobile home park operator either opens or continues to operate a mobile home park within an overlay district that requires parks to operate as a senior living community. Assuming the city's ordinance is itself legally compliant, there is no reason to believe that the park owner or operator would be somehow exempted from adhering to the city's local laws, including an overlay. Therefore, a park operator within the bounds of an overlay that intends to proceed as an all-ages park would seem to not only be in violation of the ordinance but, to the extent they are required to operate as a senior living facility and are not complying with HOPA's additional standards, federal and state law as well. There does not seem to be any basis for the conclusion that the park operator's decision to eschew a local ordinance somehow provides de facto protection from liability under federal law. Similarly, the operator's failure to comply with HOPA because of their intent to operate as an all-ages park would not somehow imbue authority to wave away the local ordinance. In conversation with the sponsors, the need for clarification notwithstanding the evident truth of the bill's assertion appears to arise from ongoing litigation involving this confluence of HOPA and its related regulations, state law, and local ordinances, in which park owners and operators seem to be intending to circumvent the constraints of cities' overlay districts by simply deciding to operate as an all-ages park, rather than a senior living community as required by the overlay.

It should be noted that the litigation in question has not concluded and as such, it is entirely possible that the courts will ultimately dismiss the park operator's actions as violative of the applicable local ordinance. In that scenario, this legislation could not only be redundant but potentially harmful insofar as it creates an implication that laws not relating to mobile home parks and HOPA can be circumvented simply by violating an equivalent or similar federal law, as discussed above. It is also possible that a court will issue a ruling unrelated to the current proposal, and the sponsors will need to take another swing at legislation to provide clarity on the issue. It is true that senior mobile home park residents cannot, and should not be made to wait for the ultimate judicial ruling. However, the legislative process is a deliberative one, and should be responsive to a full set of facts. This proposal seems to be attempting to build the plane as it is taking off, and may not ultimately present the correct or effective response to the sponsor's concerns. In order to avoid inadvertently exacerbating the problem or being wholly unresponsive

to the litigation's final determination, *the author may wish to consider pausing this effort until litigation has concluded.*

There is no doubt that this state is, and has been, experiencing a dire housing crisis. This crisis is particularly acute for seniors on fixed incomes with varying health and care needs. It is also undeniable that mobile home parks provide one of the last bastions of affordable independence for California's seniors. This bill does not impose any new requirements or restrict their ability to decide to no longer operate a senior living community, nor does it provide any additional incentive to do so. It merely states, which is already the case, that a failure to comply with federal law does not exempt compliance with state law. To the extent some mobile home park operators believe they can avoid compliance with local ordinances through noncompliance with federal law, it is possible this bill would correct that misconception.

ARGUMENTS IN SUPPORT*:* This bill is sponsored by the California Association of Code Enforcement Officers and the Golden State Manufactured-Home Owners League (GSMOL). It is additionally supported by the Cities of Cotati and Petaluma, and the Wine Country Young Democrats. In support of the bill GSMOL submits:

> AB 2596 clarifies that mobilehome park owners cannot use their failure to comply with any federal-approved housing program requirements, including the Housing for Older Persons Act of 1995 (HOPA) – a federal law that amends the Fair Housing Act to allow 55+ communities - to then ignore or exempt themselves from state and local laws passed in California.
>
> By explicitly stating that park owners must comply with the Mobilehome Residency Law (MRL), the Unruh Civil Rights Act, and other applicable state laws and local ordinances, AB 2596 ensures mobilehome residents are protected.
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> This is not a new right, but a reaffirmation of our existing rights, and a necessary clarification to prevent any misinterpretation or misapplication of law or circumstance where park owners, who participate in federally-approved housing programs, can pick and choose when California laws apply to them.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Code Enforcement Officers (co-sponsor)
Golden State Manufactured-home Owners League, INC. (GSMOL) (co-sponsor)
City of Cotati
City of Petaluma
Wine Country Young Democrats

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334