

Assembly Bill No. 252

CHAPTER 633

An act to amend Section 800.4 of, and to add and repeal Section 800.40.5 of, the Civil Code, relating to housing.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 252, Mia Bonta. Floating home marinas: rent caps.

Existing law, the Tenant Protection Act of 2019, prohibits, with certain exceptions, an owner of residential real property from increasing the gross rental rate for a dwelling or unit more than 5% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions.

Existing law, the Floating Home Residency Law, prescribes various terms and conditions on tenancies in floating home marinas, as defined. Existing law defines “floating home marina” for these purposes as an area where 5 or more floating home berths are rented, or held out for rent, to accommodate floating homes, but does not include, among other things, a marina where 10% or fewer of the berths are leased or held out to lease to floating homes.

This bill would revise the definition of “floating home marina” by deleting the provision that excludes a marina where 10% or fewer of the berths are leased or held out to lease to floating homes.

Existing law defines “tenancy” for purposes of the Floating Home Residency Law as the right of a homeowner to the use of a berth within a floating home marina to locate, maintain, and occupy a floating home, and accessory structures or vessels, including the use of the services and facilities of the floating home marina. Existing law requires the management of a floating home marina to give a homeowner written notice of any increase in their rent at least 30 days before the date of the increase, the reason for the

increase, and the basis for any calculation used in determining the amount of the increase.

This bill would, until January 1, 2030, prohibit the management of a floating home marina in the county of Alameda, Contra Costa, or Marin, from increasing the gross rental rate for a tenancy in a floating home marina by more than 3% plus the percentage change in the cost of living, as defined, or 5%, whichever is lower, of the lowest gross rental rate charged at any time during the immediately preceding 12 months, as specified. The bill would prohibit management of a floating home marina from increasing the gross rental rate for a tenancy in more than 2 increments over a 12-month period, after the tenant maintains the tenancy over a 12-month period. The bill would prohibit management from establishing the initial rental rate of a new homeowner that purchases a floating home in the marina if the purchase qualifies as an in-place transfer, as specified. The bill would define “in-place transfer” as a sale of a floating home where the floating home is transferred and remains docked at the same berth.

This bill would exempt specified floating home berths from the rental rate increase limitations described above, including, among others, floating home berths restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable for very low, low-, or moderate-income persons and families. The bill would specify that these provisions apply to rent increases for a tenancy in a floating home marina occurring on or after January 1, 2022. The bill would provide that in the event that management increases the rent by more than the amount specified above between January 1, 2022, and January 1, 2023, then the applicable rent on January 1, 2023, is the rent as of January 1, 2022, plus the maximum permissible increase, and that management is not liable to the homeowner for any corresponding rent overpayment. The bill would void any waiver of the rights provided under these provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Alameda, Contra Costa, and Marin.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

**THE PEOPLE OF THE STATE OF CALIFORNIA DO
ENACT AS FOLLOWS:**

SECTION 1.

Section 800.4 of the Civil Code is amended to read:

800.4.

“Floating home marina” means an area where five or more floating home berths are rented, or held out for rent, to accommodate floating homes, but does not include a marina or harbor that satisfies all of the following:

- (a) The marina or harbor is managed by a nonprofit organization, the property, assets, and profits of which may not inure to any individual or group of individuals, but only to another nonprofit organization.
- (b) The rules and regulations of the marina or harbor are set by majority vote of the berthholders thereof.
- (c) The marina or harbor contains berths for fewer than 25 floating homes.

SEC. 2.

Section 800.40.5 is added to the Civil Code, to read:

800.40.5.

(a) (1) Subject to subdivision (b), management shall not, over the course of any 12-month period, increase the gross rental rate for a tenancy for a floating home berth in a floating home marina more than 3 percent plus the percentage change in the cost of living, or 5 percent, whichever is lower, of the lowest gross rental rate charged for a tenancy at any time during the 12 months prior to the effective date of the increase.

(2) If the same homeowner maintains a tenancy over any 12-month period, the gross rental rate for the tenancy shall not be increased in more than two increments over that 12-month period, subject to the other restrictions of this subdivision governing gross rental rate increases.

(b) (1) For a new tenancy in which no homeowner from the prior tenancy remains in lawful possession of the floating home berth, management may establish the initial rental rate not subject to subdivision (a). However, if the applicable local agency or jurisdiction has adopted an ordinance, rule, regulation, or initiative measure that limits the allowable rental rate for a new tenancy, that ordinance, rule, regulation, or initiative measure shall apply. Subdivision (a) shall be applicable to subsequent increases after the initial rental rate has been established, except as otherwise provided in this section.

(2) Notwithstanding paragraph (1), management shall not impose an increase in rent on a homeowner that purchases a floating home if the purchase qualifies as an in-place transfer, and the initial rental rate shall be set at the rental rate of the previous tenancy. Subdivision (a) shall be applicable to subsequent increases after the initial rental rate has been established.

(c) Management shall provide notice of any increase in the rental rate, pursuant to subdivision (a), to each homeowner in accordance with Section 800.40.

(d) Subdivision (a) shall not apply to a tenancy for any of the following:

(1) A floating home berth restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.

(2) A floating home berth subject to any ordinance, rule, regulation, or initiative measure that restricts annual increases in the rental rate to an amount less than that provided in subdivision (a).

(e) (1) (A) This section shall apply to all rent increases occurring on or after January 1, 2022.

(B) This section shall become operative January 1, 2023.

(2) In the event that management has increased the rent by more than the amount permissible under subdivision (a) between January 1, 2022, and January 1, 2023, both of the following shall apply:

(A) The applicable rent on January 1, 2023, shall be the rent as of January 1, 2022, plus the maximum permissible increase under subdivision (a).

(B) Management shall not be liable to a homeowner for any corresponding rent overpayment.

(f) Any waiver of the rights under this section shall be void as contrary to public policy.

(g) For the purposes of this section:

(1) "Consumer Price Index for All Urban Consumers for All Items" means the CPI-U for the San Francisco-Oakland-Hayward metropolitan area, or any successor metropolitan area index.

(2) (A) “Percentage change in the cost of living” means the percentage change in the applicable CPI-U, as described in paragraph (1) and computed pursuant to subparagraph (B) of this paragraph.

(B) (i) For rent increases that take effect before August 1 of any calendar year, the following shall apply:

(I) The percentage change shall be the percentage change in the amount published for April of the immediately preceding calendar year and April of the year before that.

(II) If there is not an amount published in April for the applicable geographic area, the percentage change shall be the percentage change in the amount published for March of the immediately preceding calendar year and March of the year before that.

(ii) For rent increases that take effect on or after August 1 of any calendar year, the following shall apply:

(I) The percentage change shall be the percentage change in the amount published for April of that calendar year and April of the immediately preceding calendar year.

(II) If there is not an amount published in April for the applicable geographic area, the percentage change shall be the percentage change in the amount published for March of that calendar year and March of the immediately preceding calendar year.

(iii) The percentage change shall be rounded to the nearest one-tenth of 1 percent.

(3) “In place transfer” means the sale of a floating home where the floating home is transferred by a homeowner to a subsequent homeowner and remains docked at the same berth.

(h) (1) Nothing in this section affects the authority of a local government to adopt or maintain an ordinance, rule, regulation, or initiative measure that establishes a maximum amount that may be charged for rent or the rental rate for a new tenancy, including any ordinance, rule, regulation, or initiative measure adopted before the effective date of this section. However, if a local ordinance, rule, regulation, or initiative measure allows for the rental rate for a new tenancy or a rental rate increase greater than that provided in subdivision (a), this section shall apply.

(2) This section is not intended to express any policy regarding the appropriate, allowable rental rate increase limitations imposed by ordinance, rule, regulation, or initiative measure regulating rent increases adopted before or after the effective date of this section.

(i) This section shall only apply to floating home marinas in the Counties of Alameda, Contra Costa, and Marin.

(j) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 3.

The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to respond to the especially high cost of housing, the limited number of floating home berths available on or around the San Francisco Bay, including the Counties of Alameda, Contra Costa, and Marin, and the impossibility of developing new floating home berths.