

## Coastal Communities Require Permits from Coastal Commission and from HCD for Mobile Home Construction

In a landmark ruling last week, the California Court of Appeal held that park owners and residents in coastal manufactured housing communities must obtain permits from the California Coastal Commission (CCC), as well as from the state Department of Housing and Community Development (HCD), before undertaking any activities that are considered “development.” Under the broad standards applied to activities in the coastal zone, even the rehabilitation or replacement of a mobile home is considered “development” requiring permitting from the notoriously assertive coastal authority.

In the case just decided, the CCC ordered residents who had added second stories to their homes to demolish the renovations, even though the residents had obtained permits from HCD. Had it not been for a technical timing error by the CCC, the court could have upheld an order to demolish.

The Mobilehome Parks Act (MPA) vests HCD with the power to regulate the “construction, maintenance, occupancy, use, and design” of mobile home parks and to enforce Title 25, which requires an HCD permit for anyone wishing to “erect, construct, reconstruct, install [or] replace” any building or structure in a mobile home park. City and county agencies have extremely limited authority to interfere, and HCD’s jurisdiction has often been referred to as “exclusive.” In the recent case, the residents told the court that there is no record of the CCC having ever required a coastal development permit for rehabilitation of mobile homes located in a MHC prior to their construction work in 2011-2014. In fact, HCD had earlier similarly asserted that its authority pre-empted the CCC’s.

Yet, the court held that the Coastal Commission has overlapping jurisdiction with HCD over mobile home construction and replacement in the coastal zone, and that a coastal development permit is required *in addition* to any other permitting.

Park owners should understand the court’s holding applies equally to clubhouse, pool, playground, and other common area amenity construction and rehabilitation. It is critical before undertaking such activities to consult with legal experts on coastal development to determine what is necessary, and how best to obtain it from the relevant agencies.

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