

Date of Hearing: January 10, 2024

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Christopher M. Ward, Chair

AB 661 (Joe Patterson) – As Amended April 13, 2023

SUBJECT: Utility services: electronic communication

SUMMARY: Allows mobilehome park management to provide advance notice of certain interruptions in utility service to homeowners or residents by electronic communication, with their consent.

EXISTING LAW:

- 1) Requires management of a mobilehome park, in the event of an interruption in utility service of more than two hours for the maintenance, repair, or replacement of utility facilities, to provide at least 72 hours' written advanced notice by posting notice on the mobilehomes of all affected homeowners and residents. (Civil Code (CC) Section 798.42)
- 2) Provides that this written notice requirement only applies to interruptions that are not due to an emergency, with "emergency" defined as the interruption of utility service resulting from an accident or act of nature, or cessation of service caused by other than the management's regular or planned maintenance, repair, or replacement of utility facilities. (CC 798.42)
- 3) Provides that management is liable only for actual damages sustained by a homeowner or resident for violation of this law. (CC 789.42)

FISCAL EFFECT: None.

COMMENTS:

Author's Statement: According to the author, "AB 661 will offer a choice to residents of mobilehome parks to receive electronic notifications including emails, text messages, or automated phone calls regarding utility disruptions and emergency situations. This program is entirely voluntary, and residents who still want to receive paper notices will be able to do so. Allowing park managers the ability to not physically post notices on every door, however, will save time and ensure residents are more promptly noticed about disruptions or emergencies in their community."

Background: More than 700,000 people live in California's approximately 4,700 mobilehome parks. Mobilehomes are not truly mobile, in that it is often cost prohibitive to relocate them. The cost to move a mobilehome ranges from \$2,000 to upwards of \$20,000 depending on the size of the home and the distance traveled. A mobilehome owner whose home is located in a mobilehome park does not own the land the unit sits on, and must pay rent and fees for the land and any community spaces.

The Mobilehome Residency Law (MRL) extensively regulates the relationship between landlords and homeowners who occupy a mobilehome park. A limited number of provisions also apply to residents who rent, as opposed to own, their mobilehome. The MRL has two parts: Articles 1 through 8 apply to most mobilehome parks and Article 9 applies to resident-owned

parks or parks which are established as a subdivision, cooperative or condominium. The provisions cover many issues, including, but not limited to: 1) the rental and lease contract terms and specific conditions of receipt and delivery of written leases, park rules and regulations, and other mandatory notices; 2) mandatory notice and amendment procedures for mobilehome park rules and regulations; 3) mandatory notice of fees and charges, and increases or changes in them; and 4) specified conditions governing mobilehome park evictions. A dispute that arises pursuant to the application of the MRL generally must be resolved in a civil court of competent jurisdiction.

HCD oversees several areas of mobilehome law, including health and safety standards, registration and titling of mobilehomes and parks, and, through the Mobilehome Ombudsman, assists the public with questions or problems associated with various aspects of mobilehome law. The Mobilehome Ombudsman provides assistance by taking complaints and helping to resolve and coordinate the resolution of those complaints.

HCD also inspects parks and mobilehomes for health and safety issues. Under the Mobilehome Park Maintenance (MPM) program, HCD annually inspects five percent of parks for compliance with health and safety requirements under the Health and Safety Code (Mobilehome Parks Act) and Title 25. In addition to the MPM program, HCD also responds to health and safety complaints under the Mobilehome Parks Act.

Current Utility Disruption Notice Practices: Under the MRL, owners of manufactured housing communities must provide at least 72 hours' notice to their residents of upcoming utility disruptions. In the event of a utility disruption, there is no other notice mechanism allowed under current law other than a physical notice being delivered to a resident. In the event that the resident is not at home or does not check their door for a physical notice, there is not an alternative system that allows for timely notification to the resident. This bill would allow a resident to opt-in to receiving these notices via electronic communication, including through email, text message, or automated telephone call. Any resident who still wishes to receive a paper notice may still elect to receive one under this bill.

Arguments in Support: According to the Western Manufactured Housing Communities Association, the sponsor, "Current law requires delivery of paper notices to residents of mobilehome parks 72 hours in advance of a planned interruption in utility service, which includes unplanned emergency events like the wind, floods, and rain events of this past winter. AB 661 will permit residents to voluntarily agree to receive these notices by email, text messages or automated phone call. The practical effect of this is that park management will save time and paper informing residents about repairs that may require a utility disruption lasting more than two hours and will help residents prepare for any potential emergency situations associated with those disruptions."

Arguments in Opposition: None on file.

Related Legislation:

AB 604 (Lee), Chapter 807, Statutes of 2023: Applies existing rules regarding mobilehome park management's separate billing of water service provided via submeter to mobilehome parks whose water service is subject to the jurisdiction, control, or regulation of the California Public Utilities Commission.

REGISTERED SUPPORT / OPPOSITION:

Support

Western Manufactured Housing Communities Association (Sponsor)

Opposition

None on file.

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