

Date of Hearing: May 7, 2025

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

AB 391 (Michelle Rodriguez) – As Introduced February 3, 2025

SUBJECT: Mobilehome parks: notice to homeowner

SUMMARY: Authorizes notices required by the Mobilehome Residency Law (MRL) to be delivered to a homeowner by electronic means, if agreed to in writing by the homeowner.

EXISTING LAW:

- 1) Regulates, pursuant to the MRL, the rights, responsibilities, obligations, and relationships between mobilehome park management and park residents. (Civil Code (CIV) Section 798, *et seq.*)
- 2) Requires all notices under the MRL, unless otherwise provided, to either be delivered personally to the homeowner or deposited in the United States mail, postage prepaid, addressed to the homeowner at their site within the mobilehome park. (CIV 798.14(a))
- 3) Allows all notices required under the MRL to be delivered prior to February 1 of each year to be combined in one notice that contains all the information required by the sections under which the notices are given. (CIV 798.14(b))
- 4) Requires management to provide all affected homeowners and residents at least 72 hours' written advance notice of an interruption in utility service of more than two hours for the maintenance, repair, or replacement of facilities of utility systems over which the management has control within the park, provided that the interruption is not due to an emergency. (CIV 798.42(a))
- 5) Allows management, upon voluntary, written consent of a homeowner or resident, to provide notice under 4) above by electronic communication in a form of electronic communication to which the homeowner or resident consents. (CIV 798.42(b))
- 6) Defines the following terms for purpose of 4) and 5) above:
 - a) "Electronic communication" means email, text, or automated telephone call; and
 - b) "Voluntary, written consent" means written consent obtained separately from, and not contained in, any lease or rental agreement. Provides that voluntary consent may be revoked by the homeowner or resident in writing at any time. (CIV 798.42(c))

FISCAL EFFECT: Unknown. This bill is keyed non-fiscal by Legislative Counsel.

COMMENTS:

Author's Statement: According to the author, "This bill takes critical steps to advance California's leading environmental friendly agenda by cutting down on millions of pieces of paper a year, that are more often than not simply wasted. When the MRL was first created and sent out annually, it was just a few pages long, with the MRL today being 28 pages. Not only

will this bill cut down on environmental waste such as paper, but it saves fuel, ink, and resources needed to print, transport, and distribute the MRL.”

Background: More than one million people live in California's approximately 4,500 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 thousands to tens of thousands of dollars 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 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. However, the Ombudsman does not have enforcement authority for the MRL, and cannot arbitrate, mediate, negotiate, or provide legal advice on mobilehome park rent disputes, lease or rental agreements, but may provide general information on these issues. In 2018, the Mobilehome Residency Law Protection Program (MRLPP) was created to help mobilehome park residents better resolve issues and violations of the MRL. The program requires HCD to receive complaints from mobilehome park residents regarding violations of the MRL and refer complaints to a Legal Service Provider or appropriate enforcement agency.

There are a variety of notices that the MRL requires be delivered by park management to homeowners and residents, including a full copy of the MRL itself as well as notices regarding planned utility shutoffs, information about whether spaces in the park are or are not covered by rent control ordinances, notices of any changes to the park's rules and regulations, rent increase notices, and more. Last year, AB 661 (Patterson), Chapter 23, allowed for notices of planned utility shutoffs to be delivered electronically to residents if they have consented to receiving electronic notices. This bill would similarly allow park management to deliver MRL-mandated notices electronically to residents if they have opted in to receiving such notices electronically.

Arguments in Support: According to the Western Manufactured Housing Communities Association (WMA), the bill's sponsor, “As more Californians each year choose to go ‘paperless’ and receive correspondence via electronic means instead of traditional materials delivered by the United States Postal Service or an express delivery company, state law should adapt to the changing reality. Current law requires each tenant of a mobilehome park receive a

physical hard copy of the Mobilehome Residency Law (MRL). AB 391 would allow tenants to voluntarily choose to receive these documents electronically instead of a printed copy. If a tenant elects to continue receiving paper delivery, that will be accommodated by park management. This is a purely voluntary option to save paper and reduce costs.”

Arguments in Opposition: None on file.

Committee Amendments: Staff recommends the bill be amended as follows:

- 1) Clarify that eviction-related notices must still be delivered either personally to the homeowner or via the mail.
- 2) Align the language in the bill with the language in AB 661 (Patterson) to keep references to electronic communication and agreement by homeowners to opt-in to electronic notices consistent in the MRL.

CIV 798.14. (a) Unless otherwise provided, all notices required by this chapter shall either be delivered personally to the homeowner or resident, deposited in the United States mail, postage prepaid, addressed to the homeowner or resident at their site within the mobilehome park, or, except for the notices described in sections 798.55, 798.56, 798.61, and 798.75, delivered to the homeowner or resident by electronic means communication to an address or location and in a form of electronic communication to which the homeowner has expressly and affirmatively provided their voluntary, written consent if agreed to in writing by the homeowner.

(b) For purposes of this section, “electronic communication” has the same meaning as in Section 798.42(c)(1).

(c) For purposes of this section, “voluntary, written consent” has the same meaning as in Section 798.42(c)(3).

(d) All notices required by this chapter to be delivered prior to February 1 of each year may be combined in one notice that contains all the information required by the sections under which the notices are given.

Related Legislation:

AB 661 (Patterson), Chapter 23, Statutes of 2024: Allows mobilehome park management to provide advance notice of certain interruptions in utility service to homeowners or residents by electronic communication, with their voluntary, written consent.

REGISTERED SUPPORT / OPPOSITION:

Support

Western Manufactured Housing Communities Association (Sponsor)

Opposition

None on file.

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