

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2031 (Lee)
Version: May 2, 2022
Hearing Date: June 14, 2022
Fiscal: No
Urgency: No
TSG

SUBJECT

Mobilehome Residency Law: management meetings with homeowners

DIGEST

This bill modifies the rules surrounding participants, format, and topics of discussion when mobilehome park residents demand to meet with park management.

EXECUTIVE SUMMARY

Mobilehome parks wield significant power and influence over the lives of their residents. So that the residents can raise issues and concerns about how the park operates, the Mobilehome Residency Law obligates park management to meet with residents about specified subjects if the residents request it. This bill makes three modifications to that basic rule. First, it clarifies that residents can bring a designated representative with them to the meeting if they wish. Second, the bill requires parks to offer homeowners both in-person and remote meeting options. Finally, the bill modestly expands the list of topics about which park managers must meet with the residents when requested. The proponents of these changes hope they will improve communication between parks and their residents generally and make participation easier for residents.

The bill is sponsored by the Golden State Manufactured-Home Owners League. Support comes from mobilehome residents and civil rights advocacy organizations who laud how the bill would improve accessibility to meetings. There is no known opposition. The bill passed off of the Assembly Floor by a vote of 66-3. If the bill passes out of this Committee, it will next be heard on the Senate Floor.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Mobilehome Residency Law (MRL) which regulates the rights, responsibilities, obligations, and relationships between mobilehome park management and park residents. (Civ. Code § 798 *et seq.*)
- 2) Requires park management to meet and consult with homeowners on any of the following matters within 30 days of a written request:
 - a) resident concerns regarding existing park rules that are not already the subject of another meeting because of a proposed amendment to the park rules;
 - b) standards for maintenance of physical improvements in the park;
 - c) addition, alteration, or deletion of service, equipment, or physical improvements; or
 - d) long-term rental agreements.
- 3) Specifies that park management shall conduct a meeting pursuant to (2), above either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented.
- 4) Specifies that park managements shall only conduct a collective meeting after notice has been given to all the requesting homeowners 10 days or more before the meeting.

This bill:

- 1) Expands the list of topics about which mobilehome residents are entitled to request a meeting with park management to include:
 - a) resident concerns regarding enforcement of park rules or lack thereof;
 - b) standards for maintenance of trees or driveways in the park;
 - c) specified rental agreements offered to existing residents;
 - d) resident concerns regarding utility billing or utility charges; and
 - e) common area facility hours and availability.
- 2) Specifies that park management may conduct the meeting either in person or virtually using telephone, audio-video, or other audio-only conferencing.
- 3) Requires park management to offer in-person and telephone attendance options and to provide a list of audio-video conferencing options upon homeowner request.
- 4) Provides that management must comply with the method of meeting requested by the homeowner(s) requesting the meeting provided that the method was offered by park management pursuant to (3), above.

- 5) States that if an individual homeowner or group of homeowners consents to be represented at a meeting, management must meet with either the homeowner(s), their representative(s), or both as the homeowners may choose in the written request.
- 6) Specifies that the homeowner representative may participate in the meeting virtually or in person.

COMMENTS

1. Background on mobilehomes and the MRL

More than 700,000 people are estimated to occupy the roughly 393,000 mobilehome spaces in California's more than 4,700 mobilehome parks. In most of those parks, residents own their home but lease the land upon which their home sits. Although they have historically been called "mobilehomes," it is in fact very difficult and quite expensive to actually move a mobilehome once it has been installed in a park. 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.

Given the unique nature of mobilehomes, California has enacted a series of laws customized to the mobilehome context. In 1978, the Legislature brought the main body of these rules together in one central statutory location: the Mobilehome Residency Law (MRL). The MRL governs many aspects of the relationship between mobilehome owners and the parks in which the mobilehomes are situated. For example the MRL covers: the required content of mobilehome leases; permissible park rules and regulations; access to common areas of the park; and the legal grounds upon which a mobilehome and its owner can be evicted from a park. Of particular relevance to this bill, the MRL also specifies the circumstances in which, when requested, the management of a mobilehome park is obligated to meet with residents or their designated representative.

2. The problem the bill is intended to address

Civil Code Section 798.53 requires the management of a mobilehome park to meet and consult with residents about certain specified topics upon written request. As it currently reads, the statute provides that park management may choose to meet with the homeowners who have requested the meeting "either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented." This is not plain language. It is a statutory interpretation nightmare. The use of the word "either," the placement of the commas, and the use of the word "or" all suggest different possible results, none of which makes perfect sense out of the actual text.

According to the sponsors of this bill, the Golden State Manufactured-Home Owners League (GSMOL), many park managers have seized upon this ambiguity to refuse to meet with homeowners and their representatives simultaneously. GSMOL states that:

This interpretation subverts the intent of Section 798.53 to create a vehicle for resolving grievances. It also excludes individuals from the meeting, whether it be a translator or an advocate with specialized knowledge, who can help a resident navigate and explain their issue.

3. The solution proposed by the bill

To address the problem set forth in Comment 2, above, and to increase the accessibility and efficiency of meetings between mobilehome parks and their residents generally, this bill proposes three revisions to the existing statute.

First, the bill makes clear that park management must respect the homeowners' choice whether to attend the meeting with or without their designated representative.

Second, the bill sets forth procedures for determining the format of the meeting. Specifically, the bill states that park management must offer homeowners the options of conducting the meeting in-person or by telephone. If the park management also offers the homeowners the option of conducting the meeting on an audio-video conference platform (such as Zoom, for example), then park management must provide the homeowners with a list of the audio-video platforms options if the homeowners request it. The homeowners must select from these options. Park management must conduct the meeting in accordance with that selection.

Finally, the bill expands the list of topics about which homeowners have a right to call a meeting. The new subjects are: resident concerns regarding enforcement of park rules or lack thereof; standards for maintenance of trees or driveways in the park; rental agreements offered to existing residents; resident concerns regarding utility billing or utility charges; and common area facility hours and availability.

Earlier versions of the bill also required parks to provide a written, good faith response to the homeowners and their representative within 10 days after the meeting. The inclusion of that requirement drew opposition from various advocacy groups representing park owners. Recent Assembly amendments removed that deadline. As a result, there is no longer any known opposition to the bill.

4. Overcoming language barriers

Writing in support of the bill, members of the Golden State Manufactured-Home Owners League (GSMOL) Super Chapter 0016 - Pepper Tree and 0018A- Colonial

Mobile Manor mention that many of their residents speak limited or no English. To be able to participate fully in a meeting with management conducted in English, these residents require the assistance of an interpreter. The bill empowers homeowners to bring a designated representative to the meeting and it appears as if the GSMOL Super Chapter members are assuming that this designated representative could be an interpreter.

Of course, in some instances, a designated representative could provide interpretation as well as representation, but to prevent any confusion and to ensure that language barriers do not get in the way of effective communication between parks and their residents, the author proposes to offer an amendment in Committee to specify that park management must allow interpreters to attend the meetings as well.

5. Proposed amendments

In order to address the issues set forth in the Comments, above, the author proposes to incorporate amendments into the bill that would:

- require park management to permit interpreters to attend the meeting;

A mock-up of the amendments in context is attached to this analysis.

6. Arguments in support of the bill

According to the author:

Civil Code 798.53 was enacted to promote communication and problem-solving between mobilehome owners and mobilehome park management on various issues such as maintenance and resident concerns. It specifies that mobilehome park management must meet with homeowners within 30 days of a written request either individually, collectively, or with representatives of a group of homeowners. However, this code section doesn't always work as intended. Some park owners interpret this section so literally that they only allow a resident or their representative to meet with park management, but not both. This results in wasted time and ineffective meetings particularly when the resident needs the help of an interpreter or the specialized knowledge of an advocate or attorney to navigate complex issues. AB 2031 will clarify that both residents and their representatives can meet with park management about specified issues such as maintenance standards or resident concerns about park rules. It will also expand the list of possible issues to include common area availability and concerns about utility billing which will ensure the most common questions or problems can be addressed without resorting to court.

As sponsor of the bill, the Golden State Manufactured Homeowners League writes:

When people seek redress, they have the right to do so alone. But should they need assistance, state laws commonly allow them to utilize the assistance of, and be joined by, qualified advocates or representatives for the sake of resolving problems. This bill proposes to align itself with those current California governance values.

In support, Disability Rights Advocates writes:

This bill would help ensure meetings between mobilehome residents and park management are meaningful and productive.

SUPPORT

Golden State Manufactured-Home Owners League (sponsor)
Affordable Housing Network of Santa Clara County
Asian Law Alliance
Disability Rights California
Golden State Manufactured-Home Owners League Super Chapter 0016 - Pepper Tree
and 0018A- Colonial Mobile Manor

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 1510 (Lewis, Ch. 340, Stats. 1994) clarified that park management does not have to meet separately with residents to discuss an amendment to park rules if the proposed amendment is already subject to another specified meet and confer requirement.

SB 175 (Craven, Ch. 198, Stats. 1989) enacted the original statutory requirement for mobilehome park management to meet with residents upon request.

PRIOR VOTES:

Assembly Floor (Ayes 66, Noes 3)

Assembly Housing and Community Development Committee (Ayes 5, Noes 2)

Amended Mock-up for 2021-2022 AB-2031 (Lee (A))

Mock-up based on Version Number 97 - Amended Assembly 5/2/22

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

SECTION 1. Section 798.53 of the Civil Code is amended to read:

798.53. (a) (1) The management shall meet and consult with the homeowners, upon written request, within 30 days of the request, either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented on the following matters:

(A) Resident concerns regarding interpretation, or enforcement or lack thereof, of existing park rules that are not subject to Section 798.25.

(B) Standards for maintenance of trees, driveways, or physical improvements in the park.

(C) Addition, alteration, or deletion of service, equipment, or physical improvements in the park.

(D) Rental agreements offered to existing residents pursuant to Section 798.17 or 798.18.

(E) Resident concerns regarding utility billing or utility charges.

(F) Common area facility hours and availability.

(2) The meeting may be conducted either in person or virtually using telephone, audio-video, or other audio-only conferencing.

(A) Management shall offer in-person and telephone options. If management allows audio-video conferencing options, management shall provide a list of audio-video conferencing options upon request of the homeowner or homeowners.

(B) Management shall comply with the method of meeting requested by the homeowner or homeowners requesting the meeting provided the method was offered by management pursuant to subparagraph (A).

(b) A collective meeting with a group of homeowners shall be conducted only after notice thereof has been given to all the requesting homeowners 10 days or more before the meeting.

(c) If an individual homeowner or group of homeowners consents to be represented at a meeting, management shall meet with either the designated representative on their behalf, or with both the homeowners and the designated representative, as the homeowners may choose in the written request. If requested by an individual homeowner or group of homeowners, a designated representative may participate in a meeting in person, by telephone, or virtually if management allows audio-video conferencing options pursuant to paragraph (2) of subdivision (a).

(d) Park management shall permit the attendance of language interpreters at any meeting pursuant to this section. Interpreters may or may not be the homeowner's designated representative.