

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1830

Introduced by Assembly Member V. Manuel Pérez

February 22, 2012

An act to amend Section 2705.6 of the Public Utilities Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1830, as amended, V. Manuel Pérez. Water service: mobilehome parks.

Existing law authorizes the Public Utilities Commission to regulate public utilities, including water corporations. Under existing law, a mobilehome park that provides water service only to its tenants from water supplies and facilities that it owns, not otherwise dedicated to public service, is not a water corporation, but that mobilehome park is subject to the jurisdiction of the commission to the extent that, if a tenant complains about the water rates charged or service provided by the mobilehome park, the commission is authorized to determine whether the rates charged are just and reasonable and whether the service provided is adequate. Existing law authorizes the commission to afford rate relief or to order the mobilehome park to improve its water supply, facilities, and services on those terms that it finds just and reasonable, or both.

This bill would authorize the commission, if it finds, after investigation, that the mobilehome park has charged an unjust or

unreasonable rate in violation of existing law, to order the mobilehome park to reimburse the complainant and any other current and former tenants affected by the rate, calculated as prescribed, if no discrimination will result from the reimbursement. The bill would ~~specify that~~ *subject the mobilehome park to the jurisdiction of the commission if* current or former tenants constituting a prescribed threshold of the current population of the mobilehome park ~~may~~ complain. The bill would require a mobilehome park to provide written notice to each of the mobilehome park’s tenants to inform those tenants of their right to file a complaint with the commission about the water rates charged or the service provided by the mobilehome park, as prescribed. Because a violation of an order or decision of the commission is a crime, this bill would impose a state-mandated local program *by* creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2705.6 of the Public Utilities Code is
 2 amended to read:
 3 2705.6. (a) (1) A mobilehome park that provides water service
 4 only to its tenants from water supplies and facilities that it owns,
 5 not otherwise dedicated to public service, is not a water
 6 corporation. However, that mobilehome park is subject to the
 7 jurisdiction of the commission to the extent that *if* a numerical
 8 threshold *of persons* totaling no less than 10 percent of the current
 9 population of the mobilehome park ~~complain~~ *complains* about the
 10 water rates charged or service provided by the mobilehome park,
 11 the commission shall determine, based on all the facts and
 12 circumstances, whether the rates charged are just and reasonable
 13 and whether the service provided is adequate.
 14 (2) The numerical threshold *of persons* may include former or
 15 current tenants, or both.

1 (3) A person shall not file a complaint against a mobilehome
2 park pursuant to paragraph (1) if that person has not resided in that
3 mobilehome park within the last five years.

4 (b) Complaints filed pursuant to subdivision (a) are subject to
5 ~~the provisions of~~ this code and to the Rules of Practice and
6 Procedure of the commission governing complaints and
7 commission investigations.

8 (c) (1) A mobilehome park, as described in subdivision (a),
9 shall provide written notice to each of the mobilehome park's
10 tenants to inform those tenants of their right to file a complaint
11 with the commission about the water rates charged or the service
12 provided by the mobilehome park. With respect to the notice, the
13 mobilehome park shall do all of the following:

14 (A) Provide the notice to new tenants at the time the tenants
15 establish residence within the mobilehome park.

16 (B) Provide the notice to tenants each time the mobilehome
17 park changes water rates or service.

18 ~~(C) Ensure the notice informs tenants that the commission's~~
19 ~~public advisor is available to assist tenants with filing complaints~~
20 ~~with the commission.~~

21 ~~(D)~~

22 (C) Ensure that the notice includes the public advisor's *current*
23 contact information.

24 (2) (A) Notwithstanding any other law, the notice provided by
25 a mobilehome park pursuant to paragraph (1) shall be written in
26 English, Spanish, and any language spoken primarily by a group
27 of tenants that exceeds 10 percent of the tenants residing at the
28 mobilehome park. *the languages set forth in subdivision (b) of*
29 *Section 1632 of the Civil Code, and the language or languages of*
30 *primary communication with the residents receiving the notice.*

31 (B) *The notice shall read as follows:*

32 *As required by law pursuant to Section 2705.6 of the Public*
33 *Utilities Code, this notice is to inform tenants that, if you have*
34 *reason to believe the mobilehome park in which you reside is*
35 *charging you "unjust" or "unreasonable" water rates, the Public*
36 *Utility Commission's Public Advisor is available to assist you with*
37 *filing a complaint. You can reach the Public Advisor via telephone:*
38 *866-849-8390, 415-703-2074, TTY 866-836-7825; or email:*
39 *public.advisor@cpuc.ca.gov, or postal service: CPUC Public*

1 *Advisor, 505 Van Ness Avenue, Room 2103, San Francisco, CA*
 2 *94102.*

3 *Como es requerido por la ley bajo la sección 2705.6 del Public*
 4 *Utilities Code, esta notificación es para informar a los inquilinos*
 5 *que si existe razón para pensar que donde usted reside se le está*
 6 *cobrando tarifas de agua “injusta” o “irrazonables,” el Asesor*
 7 *Público de la Public Utilities Commission esta disponible para*
 8 *asistírle con el legajo de su queja. Usted puede comunicarse con*
 9 *el Asesor Público por teléfono a los siguientes numeros:*
 10 *866-849-8390, 415-703-2074, o TTY 866-836-7825; o correo*
 11 *electrónico: public.advisor@cpuc.ca.gov; o por correspondencia:*
 12 *CPUC Public Advisor, 505 Van Ness Avenue, Room 2103, San*
 13 *Francisco, CA 94102.*

14 (3) A mobilehome park that fails to provide the notice required
 15 by this section shall be ~~civilly liable in an amount not to exceed~~
 16 ~~one thousand dollars (\$1,000) for each day in which the~~
 17 ~~mobilehome park fails to provide the notice~~ *subject to the penalties*
 18 *established in Section 2111.*

19 (d) The commission may afford rate relief or may order the
 20 mobilehome park to improve its water supply, facilities, and
 21 services on those terms that it finds just and reasonable, or both.

22 (e) If the commission finds, after investigation, that the
 23 mobilehome park has charged an unjust or unreasonable rate in
 24 violation of this section *subsequent to December 31, 2012*, the
 25 commission shall order the mobilehome park to reimburse the
 26 complainant and any other current and former tenants affected by
 27 the rate, if no discrimination will result from the reimbursement.
 28 Reimbursement shall be calculated from the first date of collection
 29 of the unjust or unreasonable rate, with interest. The commission
 30 shall not make an order for the payment of reimbursement upon
 31 the ground of unjustness or unreasonableness if the rate in question
 32 has been previously declared by formal finding of the commission
 33 to be reasonable. The commission shall not recognize the
 34 assignment of a reimbursement claim except assignments by
 35 operation of law as in cases of death, insanity, bankruptcy,
 36 receivership, or order of court.

37 (f) The public adviser created pursuant to Section 321 and
 38 necessary staff of the commission shall assist the complainant.

39 SEC. 2. No reimbursement is required by this act pursuant to
 40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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