

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 6, 2012

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 subject the mobilehome park to the jurisdiction of the commission if, during any 12-month period, current or former tenants constituting a prescribed threshold of the mobilehome park's tenant water meters complain provide that if a complaint is filed with the commission by tenants of the mobilehome park that represent 10% or more of the park's water service connections during any 12-month period, claiming that the water rates charged by the park are not just and reasonable or that the service is inadequate, the commission has jurisdiction to determine the merits of the complaint and would require the commission to determine whether the rates charged are just and reasonable and whether the water service provided is adequate. The bill would provide that for any complaint filed after December 31, 2012, if the commission finds, after investigation, that the mobilehome park is charging water rates that are unjust or unreasonable, the commission would be required to order the mobilehome park to reimburse the complainants and any other current and former tenants affected by the rate, if no discrimination will result from the reimbursement. 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, and how to, file a complaint with the commission about the water rates charged or the service provided by the mobilehome park, as prescribed using a standard notification prepared by the commission. 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. This act shall be known, and may be cited, as the*
2 *Lucas D. Hernández Mobilehome Park Resident Protection Act.*

3 **SECTION 1.**

4 **SEC. 2.** Section 2705.6 of the Public Utilities Code is amended
5 to read:

6 2705.6. (a) (1) A mobilehome park that provides water service
7 only to its tenants from water supplies and facilities that it owns,
8 not otherwise dedicated to public service, is not a water
9 corporation. However, ~~that mobilehome park is subject to the~~
10 ~~jurisdiction of the commission to the extent that if, during any~~
11 ~~12-month period, a numerical threshold of persons totaling no less~~
12 ~~than 10 percent of the mobilehome park's tenant water meters~~
13 ~~complains about the water rates charged or service provided by~~
14 ~~the mobilehome park, the commission if a complaint is filed with~~
15 ~~the commission by tenants of the mobilehome park that represent~~
16 ~~10 percent or more of the park's water service connections during~~
17 ~~any 12-month period, claiming that the water rates charged by~~
18 ~~the park are not just and reasonable or that the service is~~
19 ~~inadequate, the commission shall have jurisdiction to determine~~
20 ~~the merits of the complaint and shall determine, based on all the~~
21 ~~facts and circumstances, whether the rates charged are just and~~
22 ~~reasonable and whether the service provided is adequate.~~

23 (2) The numerical threshold of persons may include former or
24 current tenants, or both.

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

28 (b) Complaints filed pursuant to subdivision (a) are subject to
29 this code and to the Rules of Practice and Procedure of the
30 commission governing complaints and commission investigations.

31 (c) (1) A mobilehome park, as described in subdivision (a),
32 shall provide written notice to each of the mobilehome park's
33 tenants to inform those tenants of their right to, *and how to*, file a
34 complaint with the commission about the water rates charged or
35 the service provided by the mobilehome park. With respect to the
36 notice, the mobilehome park shall do all of the following:

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

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

3 (2) (A) Notwithstanding any other law, the notice provided by
4 a mobilehome park pursuant to paragraph (1) shall be written in
5 English, the languages set forth in subdivision (b) of Section 1632
6 of the Civil Code, and the language or languages of primary
7 communication with the residents receiving the notice.

8 ~~(B) The notice shall read as follows:~~

9

10 ~~As required by law pursuant to Section 2705.6 of the Public~~
11 ~~Utilities Code, this notice is to inform tenants that, if you have~~
12 ~~reason to believe the mobilehome park in which you reside is~~
13 ~~charging you “unjust” or “unreasonable” water rates, the Public~~
14 ~~Utility Commission’s Public Advisor is available to assist you~~
15 ~~with filing a complaint. You can reach the Public Advisor via~~
16 ~~telephone: 866-849-8390, 415-703-2074, TTY 866-836-7825; or~~
17 ~~email: public.advisor@epuc.ca.gov, or postal service: CPUC Public~~
18 ~~Advisor, 505 Van Ness Avenue, Room 2103, San Francisco, CA~~
19 ~~94102.~~

20

21 ~~Como es requerido por la ley bajo la Sección 2705.6 del Public~~
22 ~~Utilities Code, esta notificación es para informar a los inquilinos~~
23 ~~que si existe razón para pensar que donde usted reside se le está~~
24 ~~cobrando tarifas de agua “injusta” o “irrazonables,” el Asesor~~
25 ~~Público de la Public Utilities Commission esta disponible para~~
26 ~~asistirlle con el legajo de su queja. Usted puede comunicarse con~~
27 ~~el Asesor Público por teléfono a los siguientes numeros:~~
28 ~~866-849-8390, 415-703-2074, o TTY 866-836-7825; o correo~~
29 ~~electrónico: public.advisor@epuc.ca.gov; o por correspondencia:~~
30 ~~CPUC Public Advisor, 505 Van Ness Avenue, Room 2103, San~~
31 ~~Francisco, CA 94102.~~

32

33 *(B) The commission shall prepare and make available on its*
34 *Internet Web site an approved notice in English and the languages*
35 *set forth in subdivision (b) of Section 1632 of the Civil Code. In*
36 *providing notice pursuant to paragraph (1), a mobilehome park*
37 *shall use the then-current language made available by the*
38 *commission pursuant to this subparagraph.*

1 (3) A mobilehome park that fails to provide the notice required
2 by this ~~section~~ *subdivision* shall be subject to the penalties
3 established in Section 2111.

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

7 (e) If the commission finds, after investigation, that the
8 mobilehome park has charged an unjust or unreasonable rate in
9 violation of this section subsequent to December 31, 2012, the
10 commission shall order the mobilehome park to reimburse the
11 ~~complainant~~ *complainants* and any other current and former tenants
12 affected by the rate, if no discrimination will result from the
13 reimbursement. Reimbursement shall be calculated from the first
14 date of collection of the unjust or unreasonable rate, with interest.
15 The commission shall not make an order for the payment of
16 reimbursement upon the ground of unjustness or unreasonableness
17 if the rate in question has been previously declared by formal
18 finding of the commission to be reasonable. The commission shall
19 not recognize the assignment of a reimbursement claim except
20 assignments by operation of law as in cases of death, insanity,
21 bankruptcy, receivership, or order of court.

22 (f) The public ~~adviser~~ *advisor* created pursuant to Section 321
23 and necessary staff of the commission shall assist the ~~complainant~~
24 *complainants*.

25 ~~SEC. 2.~~

26 *SEC. 3.* No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

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