

# AB 1061 - Mobilehome Residency Law: Water Utility Charges



November 18, 2021 / 11:00 a.m. – 11:30 a.m.

**Webinar Presented by:**  
John Pentecost & Bill Dahlin  
Hart King

# Who are John & Bill?



**John Pentecost** is the Managing Partner of Hart King and has been with the firm since 1988. He is the leader in the firm's manufactured housing practice. With over 30 years of experience dealing with manufactured housing and mobilehome park communities, John has handled numerous eviction and other landlord-tenant based dispute trials. John defends Park owners in all actions ranging from lease disputes to state and federal discrimination issues, Americans with Disabilities Act (ADA) matters, easements, and title and failure to maintain lawsuits.



**Bill Dahlin** has been practicing law and helping manufactured housing community owners and managers since 1988. He has been trial counsel in multiple cases involving the protection of property rights, including disputes over rent control, including the 9<sup>th</sup> circuit Guggenheim v. City of Goleta case. Bill assists in issues arising out of mobilehome park closures, subdivisions, park sales and purchases, ground lease disputes and failure to maintain. Bill understands the needs and goals of park owners. Rent control, utility billings and residency issues are the primary basis of Bill's practice.

# An Act to Amend Section 798.40 of the Civil Code, Relating to Mobilehomes

- Under existing law if the management of a mobilehome park provides both master-meter and submeter service of utilities to a homeowner, for each billing period the charges for the period are required to be separately stated along with the opening and closing readings for the homeowner. Existing law requires management to post, in a conspicuous place, the specific current residential utility rate as published by the serving utility. Existing law authorizes management of a mobilehome park to also post the internet website address of the specific current residential utility rate schedule, as specified.



# AB 1061 – Amends the MRL, Civil Code 798.40 to add Subdivision (C)

- This bill would, if the management of a mobilehome park elects to separately bill water utility service to homeowners, limit charges and fees on homeowners in connection with those services to specified types of charges and fees. The specified charges and fees would be for (1) the homeowner's volumetric usage based on the homeowner's proportion of total usage, or, where the water purveyor uses a tiered rate schedule, based on the homeowner's proportion of the tier's usage, or based on a mobilehome space rate;



# AB 1061 – Amends the MRL, Civil Code 798.40 to add Subdivision (C)

- (2) any recurring fixed charge, however that charge is designated, for water service that has been billed to management by the water purveyor, determined on the basis of either the homeowner's proportional share of volumetric use or the total charge divided by the number of mobilehome spaces;





# AB 1061 – Amends the MRL, Civil Code 798.40 to add Subdivision (C)

- And (3) a billing, administrative, or other fee representing the costs of both management and the billing agent combined, not to exceed \$4.75 or 25% of the charge for the homeowner's volumetric usage, whichever is less. The bill would prohibit volumetric usage charges from including water usage by a park's common area facilities or by any other person or entity other than the homeowner.
- This bill would provide that these provisions do not prevent management from recovering its costs to install, maintain, or improve its internal water delivery system, as may otherwise be allowed in any rental agreement or local regulation. The bill would define terms for these purposes.

# Questions?



# *Thank you!*



**John Pentecost**

714-432-8700 ext. 363

[jpentecost@hartkinglaw.com](mailto:jpentecost@hartkinglaw.com)

**Bill Dahlin**

714-432-8700 ext. 306

[bdahlin@hartkinglaw.com](mailto:bdahlin@hartkinglaw.com)

4 Hutton Centre Drive, Ste. 900

Santa Ana, CA 92707

[www.hartkinglaw.com](http://www.hartkinglaw.com)