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**CIVIL CODE - CIV**

**DIVISION 2. PROPERTY [654 - 1422]** ( *Heading of Division 2 amended by Stats. 1988, Ch. 160, Sec. 13.*  )

**PART 2. REAL OR IMMOVABLE PROPERTY [[755.] - 945.5]** ( *Part 2 enacted 1872.*  )

**TITLE 2. ESTATES IN REAL PROPERTY [761 - 817.4]** ( *Title 2 enacted 1872.*  )

**CHAPTER 2.5. Mobilehome Residency Law [798 - 799.12]** ( *Chapter 2.5 added by Stats. 1978, Ch. 1031.*  )

**ARTICLE 4. Utilities [798.40 - 798.44.1]** ( *Article 4 heading added by Stats. 2009, Ch. 558, Sec. 4.*  )

**798.40.** (a) Where management provides both master-meter and submeter service of utilities to a homeowner, for each billing period the cost of the charges for the period shall be separately stated along with the opening and closing readings for the homeowner's meter. Management shall post, in a conspicuous place, the specific current residential utility rate schedule as published by the serving utility or the internet website address of the specific current residential utility rate schedule. If management elects to post the internet website address where the schedule may be accessed, management shall do both of the following:

(1) Provide a copy of the specific current residential utility rate schedule, upon request, at no cost.

(2) State in the posting that a homeowner may request a copy of the rate schedule from management.

(b) If a third-party billing agent or company prepares utility billing for the park, management shall disclose on each resident's billing, the name, address, and telephone number of the billing agent or company.

(c) Whenever management elects to separately bill water service to a homeowner as a utility service pursuant to Section 798.41, and to provide submetered water service to homeowners as a master-meter customer of the water purveyor, as a part of the regular bill for water service, management shall only bill a homeowner for the following water service:

(1) A charge for volumetric usage, which may be calculated in any of the following ways:

(A) The amount shall be calculated by first determining the proportion of the homeowner's usage, as shown by the submeter, to the total usage as shown by the water purveyor's billing. The dollar amount billed to the homeowner for usage shall be in that same proportion to the dollar amount for usage shown by the water purveyor's billing.

(B) If the water purveyor charges for volumetric usage based on a tiered rate schedule, management may calculate the charge for a homeowner's volumetric usage as described in subparagraph (A) or management may instead divide each tier's volume evenly among the number of mobilehome spaces, and the rate applicable to each block shall be applied to the consumption recorded for each mobilehome space.

(C) If the water purveyor charges the property rates on a per-mobilehome-space basis, the homeowners may be charged at those exact per-mobilehome-space rates.

(D) In no event shall the charge for volumetric usage under this paragraph include in its calculation water used by or for any common area facility in the park, or water used by any other person or entity, other than the homeowner being billed.

(2) Any recurring fixed charge, however that charge may be designated, for water service billed to the property by the water purveyors that, at management's discretion, shall be calculated by either of the following:

(A) The homeowner's proportion of the total fixed charges charged to management for the park's water use. The homeowner's proportion shall be based on the percentage of the homeowner's volumetric water use in relation to the total volumetric water use of the entire park, as shown on management's water bill during that period.

(B) Dividing the total fixed charges charged to the park equally among the total number of spaces at the park.

(3) A billing, administrative, or other fee representing the combined total of management's and the billing agent's costs, which shall be the lesser of an amount not to exceed four dollars and seventy-five cents (\$4.75), as adjusted pursuant to this paragraph, or 25 percent of the amount billed pursuant to paragraph (1). Beginning January 1, 2022, the maximum fee authorized by this paragraph may be adjusted each calendar year by management, no higher than a commensurate increase in the Consumer Price Index based on a California fiscal year average for the previous fiscal year, for all urban consumers, as determined by the Department of Finance.

(d) For the purposes of this section, the following definitions apply:

(1) "Billing agent" means a person or entity that contracts to provide submetering services to management, including billing.

(2) "Submeter" means a device that measures water consumption of an individual mobilehome space within a park, and that is owned and operated by management.

(3) "Water service" includes any charges, whether presented for payment on local water purveyor bills, tax bills, or bills from other entities, related to water treatment, distribution, or usage, including, but not limited to, water, sewer, stormwater, and flood control.

(4) "Water purveyor" means a water purveyor as defined in Section 512 of the Water Code.

(e) Nothing in this section shall be construed to 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.

(f) The provisions of subdivision (c) shall apply to all management that elects to separately bill water service to a homeowner as a utility service pursuant to Section 798.41, and to provide submetered water service to homeowners as a master-meter customer of the water purveyor, as a part of the regular bill for water service, including where the water purveyor or the mobilehome park is subject to the jurisdiction, control, or regulation of the Public Utilities Commission.

*(Amended by Stats. 2023, Ch. 807, Sec. 1. (AB 604) Effective January 1, 2024.)*

**798.41.** (a) Where a rental agreement, including a rental agreement specified in Section 798.17, does not specifically provide otherwise, the park management may elect to bill a homeowner separately for utility service fees and charges assessed by the utility for services provided to or for spaces in the park. Any separately billed utility fees and charges shall not be deemed to be included in the rent charged for those spaces under the rental agreement, and shall not be deemed to be rent or a rent increase for purposes of any ordinance, rule, regulation, or initiative measure adopted or enforced by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent, provided that at the time of the initial separate billing of any utility fees and charges the rent chargeable under the rental agreement or the base rent chargeable under the terms of a local rent control provision is simultaneously reduced by an amount equal to the fees and charges separately billed. The amount of this reduction shall be equal to the average amount charged to the park management for that utility service for that space during the 12 months immediately preceding notice of the commencement of the separate billing for that utility service.

Utility services to which this section applies are natural gas or liquid propane gas, electricity, water, cable television, garbage or refuse service, and sewer service.

(b) This section does not apply to rental agreements entered into prior to January 1, 1991, until extended or renewed on or after that date.

(c) Nothing in this section shall require rental agreements to provide for separate billing to homeowners of fees and charges specified in subdivision (a).

(d) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

*(Amended by Stats. 1992, Ch. 338, Sec. 2. Effective January 1, 1993.)*

**798.42.** (a) The management shall 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. The management shall be liable only for actual damages sustained by a homeowner or resident for violation of this section.

(b) (1) Upon voluntary, written consent of a homeowner or resident, the management may provide notice under this section by electronic communication in a form of electronic communication to which the homeowner or resident consents.

(2) For each homeowner or resident not provided notice by electronic communication, the management shall post written notice on the mobilehome of the affected homeowner or resident.

(c) For purposes of this section, the following definitions apply:

(1) "Electronic communication" means email, text, or automated telephone call.

(2) "Emergency" means the interruption of utility service resulting from an accident or act of nature, or cessation of service caused by other than the management's regular or planned maintenance, repair, or replacement of utility facilities.

(3) "Voluntary, written consent" means written consent obtained separately from, and not contained in, any lease or rental agreement. Voluntary consent may be revoked by the homeowner or resident in writing at any time.

*(Amended by Stats. 2024, Ch. 23, Sec. 1. (AB 661) Effective January 1, 2025.)*

**798.43.** (a) Except as provided in subdivision (b), whenever a homeowner is responsible for payment of gas, water, or electric utility service, management shall disclose to the homeowner any condition by which a gas, water, or electric meter on the homeowner's site measures gas, water, or electric service for common area facilities or equipment, including lighting, provided that management has knowledge of the condition.

Management shall disclose this information prior to the inception of the tenancy or upon discovery and shall complete either of the following:

(1) Enter into a mutual written agreement with the homeowner for compensation by management for the cost of the portion of the service measured by the homeowner's meter for the common area facilities or equipment to the extent that this cost accrues on or after January 1, 1991.

(2) Discontinue using the meter on the homeowner's site for the utility service to the common area facilities and equipment.

(b) On and after January 1, 1994, if the electric meter on the homeowner's site measures electricity for lighting mandated by Section 18602 of the Health and Safety Code and this lighting provides lighting for the homeowner's site, management shall be required to comply with subdivision (a).

*(Amended by Stats. 1993, Ch. 147, Sec. 1. Effective January 1, 1994.)*

**798.43.1.** (a) The management of a master-meter park shall give written notice to homeowners and residents on or before February 1 of each year in their utility billing statements about assistance to low-income persons for utility costs available under the California Alternate Rates for Energy (CARE) program, established pursuant to Section 739.1 of the Public Utilities Code. The notice shall include CARE information available to master-meter customers from their serving utility, to include, at a minimum: (1) the fact that CARE offers a discount on monthly gas or electric bills for qualifying low-income residents; and (2) the telephone number of the serving utility which provides CARE information and applications. The park shall also post the notice in a conspicuous place in the clubhouse, or if there is no clubhouse, in a conspicuous public place in the park.

(b) The management of a master-meter park may accept and help process CARE program applications from homeowners and residents in the park, fill in the necessary account or other park information required by the serving utility to process the applications, and send the applications to the serving utility. The management shall not deny a homeowner or resident who chooses to submit a CARE application to the utility himself or herself any park information, including a utility account number, the serving utility requires to process a homeowner or resident CARE program application.

(c) The management of a master-meter park shall pass through the full amount of the CARE program discount in monthly utility billings to homeowners and residents who have qualified for the CARE rate schedule, as defined in the serving utility's applicable rate schedule. The management shall notice the discount on the billing statement of any homeowner or resident who has qualified for the CARE rate schedule as either the itemized amount of the discount or a notation on the statement that the homeowner or resident is receiving the CARE discount on the electric bill, the gas bill, or both the electric and gas bills.

(d) "Master-meter park" as used in this section means "master-meter customer" as used in Section 739.5 of the Public Utilities Code.

*(Added by Stats. 2001, Ch. 437, Sec. 1. Effective January 1, 2002.)*

**798.44.** (a) The management of a park that does not permit mobilehome owners or park residents to purchase liquefied petroleum gas for use in the mobilehome park from someone other than the mobilehome park management shall not sell liquefied petroleum gas to mobilehome owners and residents within the park at a cost which exceeds 110 percent of the actual price paid by the management of the park for liquefied petroleum gas.

(b) The management of a park shall post in a visible location the actual price paid by management for liquefied petroleum gas sold pursuant to subdivision (a).

(c) This section shall apply only to mobilehome parks regulated under the Mobilehome Residency Law. This section shall not apply to recreational vehicle parks, as defined in Section 18215 of the Health and Safety Code, which exclusively serve recreational vehicles, as defined in Section 18010 of the Health and Safety Code.

(d) Nothing in this section is intended to abrogate any rights a mobilehome park owner may have under Section 798.31 of the Civil Code.

(e) In addition to a mobilehome park described in subdivision (a), the requirements of subdivisions (a) and (b) shall apply to a mobilehome park where requirements of federal, state, or local law or regulation, including, but not limited to, requirements for setbacks between mobilehomes, prohibit homeowners or residents from installing their own liquefied petroleum gas supply tanks, notwithstanding that the management of the mobilehome park permits mobilehome owners and park residents to buy their own liquefied petroleum gas.

*(Amended by Stats. 2009, Ch. 558, Sec. 7. (SB 111) Effective January 1, 2010.)*

**798.44.1.** (a) Any covenant, restriction, or condition contained in any rental agreement or other instrument affecting the tenancy of a homeowner or resident in a mobilehome park that effectively prohibits or restricts the installation or use of a solar energy system on the mobilehome or the site, lot, or space on which the mobilehome is located is void and unenforceable.

(b) Management shall not prohibit or restrict a homeowner or resident from installing or using a solar energy system on a mobilehome or the site, lot, or space on which the mobilehome is located. Management shall not do any of the following:

(1) Charge any fee to a homeowner or resident in connection with the installation or use of a solar energy system.

(2) Require a homeowner or resident to use a specific solar installation contractor or solar energy system or product.

(3) Claim or receive any rebate, credit, or commission in connection with a homeowner's or resident's installation or use of a solar energy system.

(c) This section does not apply to imposition of reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(d) (1) For purposes of this section, "solar energy system" has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(2) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(3) Solar energy systems and solar collectors used for heating water shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

(4) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, if applicable, rules of the Public Utilities Commission regarding safety and reliability.

(e) This section shall not apply to a master-meter park. "Master-meter park" as used in this section means "master-meter customer" as used in Section 739.5 of the Public Utilities Code.

*(Added by Stats. 2024, Ch. 162, Sec. 1. (SB 1190) Effective January 1, 2025.)*