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SB-1190 Mobilehomes: solar energy systems. (2023-2024)

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Date Published: 07/18/2024 09:00 PM

Senate Bill No. 1190

CHAPTER 162

An act to add Sections 798.44.1 and 799.12 to the Civil Code, relating to mobilehomes.

[Approved by Governor July 18, 2024. Filed with Secretary of State July 18, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1190, Laird. Mobilehomes: solar energy systems.

Existing law, the Mobilehome Residency Law, governs tenancies in mobilehome parks and includes provisions that are applicable to those who have an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, as specified. Among other things, these provisions set forth the rights of residents and homeowners regarding the use of the property. Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system, but allows for reasonable restrictions thereof.

This bill would make 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, in a subdivision, cooperative, or condominium for mobilehomes, or in a resident-owned mobilehome park that effectively prohibits or restricts the installation or use of a solar energy system, as defined, on the mobilehome or the site, lot, or space on which the mobilehome is located void and unenforceable. The bill would make it unlawful for the management or the ownership to prohibit or restrict a homeowner or resident from installing or using a solar energy system on the home or the site, lot, or space on which the mobilehome is located or to take other specified actions in connection with the installation or use of a solar energy system, except as specified. The bill would exempt imposition of reasonable restrictions on solar energy systems, as defined. The bill would require a solar energy system to meet applicable health and safety standards and requirements imposed by state and local permitting authorities. The bill would make any entity that willfully violates these provisions in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park liable to the homeowner, resident, or other party for actual damages occasioned thereby, and for a civil penalty paid to the homeowner, resident, or other party in an amount not to exceed \$2,000.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 798.44.1 is added to the Civil Code, immediately following Section 798.44, to read:

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.

SEC. 2. Section 799.12 is added to the Civil Code, immediately following 799.11, to read:

799.12. (a) Any covenant, restriction, or condition contained in any rental agreement or other instrument affecting the tenancy of a homeowner or resident in a subdivision, cooperative, or condominium for mobilehomes, or resident-owned 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) Ownership or 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. Ownership or 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.

(f) Any entity that willfully violates this section shall be liable to the homeowner, resident, or other party for actual damages occasioned thereby, and shall pay a civil penalty to the homeowner, resident, or other party in an amount not to exceed two thousand dollars (\$2,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney's fees.