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AB-768 Mobilehome parks: rent protections: local rent control. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 768

Introduced by Assembly Member Ávila Farías

February 18, 2025

An act to amend Section 798.21 of the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 768, as introduced, Ávila Farías. Mobilehome parks: rent protections: local rent control.

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 exempts the rental of certain mobilehome spaces by a homeowner, if the mobilehome space is not the principal residence of the homeowner and the homeowner has not rented the mobilehome to another party, from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county, that establishes a maximum amount that the landlord may charge a tenant for rent, as specified.

This bill would, instead, apply that exemption to the rental of certain mobilehome spaces by a homeowner only if the mobilehome space is not the only or principal residence of the homeowner.

Existing law provides that, for purposes of the above provisions, a mobilehome is deemed to be the principal residence of the homeowner unless a review of state or county records demonstrate otherwise, as specified, and establishes procedures for the modification of rent or other terms of tenancy as a result of that review, as specified.

This bill would, instead, provide that before modifying the rent or other terms of tenancy as a result of learning, through a review of state or county records, that the mobilehome space is not the only or principal residence of a homeowner, the management shall notify the homeowner, as specified.

Existing law makes certain rental agreements exempt from the above provisions.

This bill would limit those exemptions to mobilehomes that are actively held available for sale, as specified.

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

SECTION 1. Section 798.21 of the Civil Code is amended to read:

798.21. (a) ~~Notwithstanding Section 798.17, if~~ *a mobilehome space within a mobilehome park is not the **only or** principal residence of **the homeowner and the homeowner has not rented the mobilehome to another party, a homeowner,*** it shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county, which establishes a maximum amount that the landlord may charge a tenant for rent.

(b) Nothing in this section is intended to require ~~any~~ *a homeowner* to disclose information concerning ~~his or her~~ *the homeowner's* personal finances. Nothing in this section shall be construed to authorize management to gain access to any records which would otherwise be confidential or privileged.

~~(c) For purposes of this section, a mobilehome shall be deemed to be the principal residence of the homeowner, unless a review of state or county records demonstrates that the homeowner is receiving a homeowner's exemption for another property or mobilehome in this state, or unless a review of public records reasonably demonstrates that the principal residence of the homeowner is out of state.~~

~~(d)~~

(c) Before modifying the rent or other terms of tenancy as a result of ~~a review of records, as described in subdivision (c),~~ learning, through a review of state or county records, that the mobilehome space is not the only or principal residence of a homeowner, the management shall notify the homeowner, in writing, of the proposed changes and provide the homeowner with a copy of the documents upon which management relied.

~~(e)~~

(d) The homeowner shall have 90 days from the date the notice described in subdivision ~~(d)~~ (c) is mailed to review and respond to the notice. Management may not modify the rent or other terms of tenancy prior to the expiration of the 90-day period or prior to responding, in writing, to information provided by the homeowner. Management may not modify the rent or other terms of tenancy if the homeowner provides documentation reasonably establishing that the information provided by management is incorrect or that the homeowner is not the same person identified in the documents. However, nothing in this subdivision shall be construed to authorize the homeowner to change the homeowner's exemption status of the other property or mobilehome owned by the homeowner.

~~(f)~~

(e) This section does not apply ~~under any of the following conditions:~~ if the mobilehome is being actively held available for sale by the homeowner, or pursuant to a listing agreement with a real estate broker licensed pursuant to Chapter 3 (commencing with Section 10130) of Part 1 of Division 4 of the Business and Professions Code, or a mobilehome dealer, as defined in Section 18002.6 of the Health and Safety Code. A homeowner, real estate broker, or mobilehome dealer attempting to sell a mobilehome shall actively market and advertise the mobilehome for sale in good faith to bona fide purchasers for value in order to remain exempt pursuant to this subdivision.

~~(1) The homeowner is unable to rent or lease the mobilehome because the owner or management of the mobilehome park in which the mobilehome is located does not permit, or the rental agreement limits or prohibits, the assignment of the mobilehome or the subletting of the park space.~~

~~(2) The mobilehome is being actively held available for sale by the homeowner, or pursuant to a listing agreement with a real estate broker licensed pursuant to Chapter 3 (commencing with Section 10130) of Part 1 of Division 4 of the Business and Professions Code, or a mobilehome dealer, as defined in Section 18002.6 of the Health and Safety Code. A homeowner, real estate broker, or mobilehome dealer attempting to sell a mobilehome shall actively market and advertise the mobilehome for sale in good faith to bona fide purchasers for value in order to remain exempt pursuant to this subdivision.~~

~~(3) The legal owner has taken possession or ownership, or both, of the mobilehome from a registered owner through either a surrender of ownership interest by the registered owner or a foreclosure proceeding.~~