



AB 579: Mobilehome Parks: Liability: Attorney's Fees

SUMMARY OF THE BILL

Existing law permits a court to award attorney's fees to a successful party in an action that has resulted in the enforcement of an important right affecting public interest, but does not allow an award of attorney's fees in favor of public entities, except in limited circumstances. Existing law requires the court to determine and award a successful plaintiff in an inverse condemnation proceeding certain costs, disbursements, expenses, and fees, as provided. Existing law permits a complainant to collect specified attorney's fees in a civil action to appeal or review an administrative proceeding where the proceeding was the result of arbitrary or capricious action or conduct by the public entity or officer.

This bill would permit the award of attorney's fees and, in some cases, other litigation expenses, to a local governmental entity in an action brought by the owner of a mobilehome park to challenge the validity or application of a local ordinance, rule, regulation, or initiative measure that regulates space rent or is intended to benefit or protect residents in a mobilehome park, if the local governmental entity is determined to be the prevailing party. Existing law provides that a cause of action against a person arising from the person's right of petition or free speech is subject to a special motion to strike, unless the court determines there is a probability that the plaintiff will prevail on the claim. This bill would also subject certain causes of action against a local government regarding mobilehome parks to a special motion to strike. The motion would apply to a cause of action that challenges the validity or application of a local ordinance, rule, regulation, or initiative measure that regulates space rent, as specified, or a cause of action that challenges a local government's application or enforcement of any statute that is intended to benefit or protect residents in a mobilehome park, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

RECOMMENDED ACTION: Support

REASON FOR RECOMMENDATION/IMPACT TO COUNTY

- Affords local government ability to collect attorney fees.
- Fiscal Stability.

SUPPORTERS

No supporters listed.

OPPOSITION

No opposition listed.

COUNTY CONTACT

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