Mobile Home Parks Utilities PRC Working Group Report

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Executive Summary

The New Mexico House of Representatives passed House Memorial 54 ("HM 54") to address persistent failures of mobile home park-owned utility infrastructure that has resulted in the interruption of essential utility services—electricity, natural gas, drinking water, and wastewater—for residents living in mobile home parks across the State.[1]

Mobile homes[2] represent a vital pathway to homeownership across New Mexico's urban, rural, and Tribal communities, housing an estimated 320,000 to 350,000 residents living in 153,000 homes statewide[3] in 508 manufactured and mobile home communities.[4] Mobile and manufactured housing constitutes about 16% of New Mexico's housing stock, and in some areas of the state as high as 54%, with approximately 25% built before 1976.[5]

Manufactured and mobile homes located in mobile home parks throughout the state provide an important source of unsubsidized affordable housing for low- and fixed-income households, working individuals, and senior citizens. But while residents may own their home, they nonetheless pay rent to the mobile home park owner for the land on which it's located, commonly referred to as a lot lease. And as HM 54 stated, that ownership structure can make a resident particularly vulnerable when park-owned or controlled utility infrastructure fails,[6] because moving a manufactured home can be costly and, in some circumstances, impracticable, limiting their ability to relocate when utility service or infrastructure conditions deteriorate.[7] This steep financial barrier creates severe economic lock-in, rendering residents captive customers of private, landlord-owned utility systems.

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[1] New Mexico House of Representatives, House Memorial 54: *Mobile Home Parks Utilities PRC Working Group*, 57th Legislature, 2nd Session (2026).

[2] Section 308 of the Housing and Community Development Act of 1980 replaced the term "mobile home" with "manufactured home" following strict federal building standards enacted by HUD in 1976 to ensure quality, durability, safety, and affordability. (81 Fed. Reg. at 6801 n.1.) "Manufactured homes" is used to apply to all, including pre-HUD homes, because they are all manufactured and none are mobile. The myth of mobility contributes to injustices in these communities.

[3] Pew Charitable Trust, *Federal Policy, Financing, and Manufactured Housing: Implications for New Mexico,* June 30, 2026, by Tara Roche, p. 14 & 17 available at: https://www.nmlegis.gov/handouts/ZFFSS%20062926%20Item%205%20Pew%20Housing.pdf.

[4] *See* The Manufactured Housing Institute, Community Research Manufactured Housing Communities in the U.S., Interactive Map at https://www.manufacturedhousing.org/industry-resources/community-research/manufactured-housing-communities-in-the-u-s/.

[5] Pew Charitable Trust, *supra*, note 3, at 17.

[6] *See* Brittany Costello, *Gas Shut Off Again for White Sands Mobile Home Park*, KOB 4 (Jan. 3, 2025, 3:46 PM), https://www.kob.com/new-mexico/gas-shut-off-again-for-white-sands-mobile-home-park/.

[7] Cal. Senate Jud. Comm., Committee Analysis of A.B. 391, at 4 (2025) (noting that moving a mobile home requires significant time and effort, with costs ranging "from a few thousand to tens of thousands of dollars"); *see also* Wash. Rev. Code § 59.20.010 (establishing statutory relocation assistance benchmarks of $11,000 for a single section home or up to $17,000 for a multi-section home when a community is closing).

Accordingly, HM 54 directed the New Mexico Public Regulation Commission ("PRC") "to convene a working group to develop recommendations for a regulatory and statutory framework that would promote reliable and consistent access to utility services for residents of mobile home parks."[8]

The memorial further identified several related concerns: that mobile home park tenants have experienced frequent and lengthy interruptions in utility access; tenants may have few effective remedies when service is limited or unavailable; and utility service to mobile home parks and their tenants may be subject to different regulatory schemes and different levels of oversight by multiple governmental entities. HM 54 therefore calls for improved oversight and regulation to promote fair, reliable, and consistent access to essential utility services in mobile home parks.

In response to the legislative directive of HM 54, the PRC convened a broad stakeholder working group comprising representatives from the PRC, the New Mexico Regulation and Licensing Department ("RLD"), the New Mexico Department of Justice ("NMDOJ"), municipal utilities, mobile home park owners, park residents, and low-income advocacy organizations.

This report presents the working group's findings, conclusions, and recommendations concerning the existing legal and regulatory framework; gaps in oversight, standards, enforcement, and tenant protections. The report synthesizes New Mexico's baseline statutes, details six core operational findings, and then benchmarks New Mexico against multi-jurisdictional statutory models across the United States to identify potential statutory and administrative measures to improve the reliability and continuity of essential utility service for residents of New Mexico mobile home parks.

In many mobile home parks, a public utility or other utility supplier delivers service to the park at one or more master meters or points of delivery. The park owner then owns, operates, or controls at least some of the in-park distribution facilities—such as electrical lines, transformers, gas, water, sewer lines, valves, meters, and related equipment—that carry service from the utility connection or main lines to individual home sites. In this arrangement, the mobile home park owner is the customer of record, not the residents, and unless individual lots are provided submeters, residents are billed by the park owner based on an allocation method. The precise ownership and operational boundary varies by utility type and park configuration. New Mexico law, however, assigns the park owner responsibility

[8] HM 54, pg. 2

for maintaining park-owned exterior utility lines from a resident's hookup to the park's main lines, except for damage caused by the resident.[9]

Summary of Working Group Baseline Findings

The working group's core finding is that mobile home park utility infrastructure failures are a byproduct of a fragmented statutory framework. Under current law, private in-park utility lines occupy an administrative 'no-man's-land' between public utility regulation, environmental health oversight, licensing, and civil landlord-tenant litigation.

1. Master-Meter Jurisdictional Limits: PRC jurisdiction stops at the master meter.[10] Submetered residents are excluded from PRC consumer protections[11] and investor-owned utility ("IOU") low-income rate discounts. While the Pipeline Safety Division inspects gas lines, safety rules do not cover electric, water, or sewer grids, nor do they provide emergency tenant relief.[12]

2. Absence of Licensing and Ownership Transparency: New Mexico does not license mobile home parks, maintain a state park registry, or inspect underground grids, allowing out-of-state LLCs to operate anonymously without state oversight.

3. Vague Maintenance Standards: State law imposes a vague duty to maintain exterior utility line hookups without defining technical boundaries or establishing a standalone park warranty of habitability.[13]

4. Emergency Response Deficits: State law mandates no advance outage notices, 24/7 emergency contacts, or emergency potable water delivery during main collapses. Standard 7-day cure notices fail during acute outages.[14]

5. Utility Resale Allocation Flaws: Although state law caps resale at actual landlord cost, unmetered allocation formulas allow passing common-area usage and in-park main line water leaks directly to tenants.[15]

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[9] NMSA 1978, § 47-10-20(A) (providing that mobile home park owners are responsible for maintaining "all park-owned exterior utility lines from the mobile home hookups to the main lines in the park," except lines damaged by a resident); *see also* 14.12.1.7 NMAC (defining "utility supplier" to include a person, park owner, municipality, or public utility that supplies electricity, water, liquefied petroleum gas, natural gas, or sewer service to a manufactured home).
[10] NMSA 1978, § 62-3-3.
[11] 17.5.410.7.Q NMAC.
[12] NMSA 1978, § 70-3-13 (2001).
[13] NMSA 1978, § 47-10-20(A) (1997).
[14] NMSA 1978, § 47-8-27.1(A)(1) (1995), *see also,* NMSA 1978, §47-8-27.2(A)(1) (1995).
[15] Section 47-10-20(B).

6. Impractical Civil Court Remedies: New Mexico provides no state administrative dispute agency. Private court suits are financially unviable for low-income residents, while statutory civil penalties are capped at $500 maximum.[16] Judicial notice protections remain strictly reactive.

II. Statutory, Regulatory, and Institutional Framework

Utility service within New Mexico mobile home parks is governed by an overlapping patchwork of landlord-tenant statutes, public utility regulation, manufactured housing setup codes, drinking water and liquid waste rules, consumer protection laws, judicial remedies, and to a lesser extent local land-use ordinances. Authority is divided among multiple state entities and the civil court system based on the specific utility type, the physical point of service delivery, and whether infrastructure is publicly or privately owned.

2.1 Public Utility Act Definitions, Exclusions, and Pipeline Safety Jurisdiction

The jurisdictional authority of the PRC within mobile home parks is bifurcated between economic and rate regulation under the Public Utility Act (PUA)[17] and safety enforcement under the Pipeline Safety Act.[18]

A. Public Utility Act Boundary and Landlord Exclusion

Under the PUA, the PRC exercises economic rate and service regulation over certificated investor-owned and cooperative utilities. Mobile home parks operating private distribution systems behind a master meter do not fall under PRC public utility jurisdiction for three statutory reasons:

1. **Service 'To or For the Public' Standard:** Under Section 62-3-3(G), a “public utility” is defined as an entity owning, operating, or controlling facilities for supplying electricity, gas, water, or sewer service “to or for the public.” A mobile home park operator providing utility service through an internal private grid on its property to lot tenants does not hold itself out as serving the general public and therefore is not a public utility.

2. **Express Statutory Landlord Exclusion:** Section 62-3-4(A)(1) explicitly excludes from public utility classification “any person not otherwise a public utility who furnishes the service or commodity only to that person or that person's employees or tenants, when such service or commodity is not resold to or used by others…”

[16] NMSA 1978, § 47-10-17 (1997); *Martinez v. Sedillo*, 2005-NMCA-029, 137 N.M. 103, 107 P.3d 543; NMSA 1978, § 47-10-23(A) (1993).
[17] NMSA 1978, §§ 62-1-1 to -6-28 and 62-8-1 to -13-16 (1941, as amended through 2025).
[18] NMSA 1978, §§ 70-3-11 to -20 (1969, as amended through 2026).

3. **At-Cost Pass-Through Interplay:** Under Section 47-10-20(B), when a landlord submeters or allocates master-metered utilities, charges are strictly capped at the actual "cost per unit amount paid by the landlord to the suppliers." Because the landlord is legally restricted to a direct at-cost pass-through and cannot profit on utility resale, the arrangement remains a private civil transaction under landlord-tenant law and the terms of the rental agreement, rather than a regulated public utility selling a commodity at a profit.

B. Exclusion from Direct Customer Protections and Non-Gas Infrastructure

Because PRC public utility jurisdiction terminates at the master meter, both mobile home park infrastructure and residents occupy a distinct regulatory position:

1. **Non-Customer Status Under PRC Rules:** Under 17.5.410 NMAC, Rules Governing Utilities Providing Electric, Gas, Water or Sewer Service to the Public, only direct utility customers receive specific consumer safeguards, including winter disconnection moratoriums, 12-hour emergency service restoration rules upon submission of a medical professional's certificate, medical baseline allowances, and direct utility bill dispute procedures. Because master-metered and submetered park residents are not customers of record under Section 62-3-3, they are legally excluded from these administrative protections.

2. **Exclusion of Electric, Water, and Sewer Infrastructure:** Under the PUA, the PRC has no statutory authority to inspect, set maintenance standards for, regulate rates, or compel capital repairs of park electrical pedestals, electric distribution system, water distribution lines, or wastewater collection systems downstream of the master meter.

C. Natural Gas Pipeline Safety Exception

A significant statutory exception to the PRC's master-meter boundary exists for natural gas and propane safety under the Pipeline Safety Act:

Express Inclusion of Mobile Home Parks: Section 70-3-12(K) explicitly defines a "master meter" as "a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park… where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system… to the ultimate consumer."

Safety Audits and Hazard Removal Orders: The PRC's Pipeline Safety Division enforces minimum pipeline safety standards to ensure compliance with federal regulations.[19] Under

[19] *See* 49 CFR Part 192.

Section 70-3-13(A), whenever the PRC determines an in-park gas facility is "hazardous to life or property, it may require the person operating the… gas pipeline facility to take the steps necessary to remove the hazards." Section 70-3-18(A)(3) grants state inspectors statutory right of entry to inspect park gas lines, maintenance plans, and leak records, funded by an annual fee not to exceed $100 per master-meter.[20]

Operational Limits of Pipeline Safety Authority: While the Pipeline Safety Act grants the PRC authority to inspect gas lines, issue notices of violation,[21] and order the abatement of gas hazards (including supporting utility shutoffs when imminent danger exists), its authority is strictly limited to gas pipeline safety. It does not grant the PRC authority to compel a mobile home park owner to make capital expenditures to replace infrastructure or otherwise mandate procedures during prolonged outages.

2.2 The Mobile Home Park Act and Uniform Owner-Resident Relations Act

The primary statutory framework governing New Mexico mobile home park tenancies consists of the Mobile Home Park Act (MHPA),[22] and as supplemented by the Uniform Owner-Resident Relations Act (UORRA).[23]

The MHPA applies to any mobile home park with twelve or more occupied mobile homes operated for pecuniary benefit. The Act defines "utility services" to include electric, gas, water, and sewer services (excluding refuse collection).[24] UORRA's provisions apply to mobile home park tenancies unless a specific provision of the MHPA directly conflicts, in which case the MHPA controls.

Section 47-10-20(A) sets forth the owner's sole infrastructure obligation: "Mobile home park owners shall be responsible for maintaining all park-owned exterior utility line hookups to the main lines in the park, except lines that are damaged by a resident." The statute contains no technical engineering standards, inspection mandates, or emergency response protocols. Section 47-10-20(B) caps utility resale at the park owner's "cost-per-unit" paid to the utility provider; Section 47-10-20(D) requires a resident to provide written notice to the landlord upon discovering an interruption of utility service; Section 47-10-21 permits a park owner to charge "a reasonable fee to offset the cost of administration," which must be disclosed in rental agreements; and Section 47-10-22 requires, for submetered lots, billing that shows the amount consumed and per-unit cost of each service, or for master-metered

[20] NMSA 1978, § 70-3-21(D)(1)(d) (2004).
[21] Section 70-3-19.
[22] NMSA 1978, §§ 47-10-1 to -23, (1983, as amended through 1997).
[23] NMSA 1978, §§ 47-8-1 to -52 (1975, as amended through 2025).
[24] Section 47-10-2(J).

parks, the total cost of utility services and the formula used to determine the apportionment of charges for utility services to residents.

2.3 Regulation and Licensing Department & Manufactured Housing Division

The Manufactured Housing Act[25] establishes the authority of RLD and its Manufactured Housing Division (MHD). MHD licenses manufacturers, dealers, salespersons, installers, and repairers, and issues installation permits for initial home setups.[26] Under MHD regulations, MHD inspectors verify individual home utility connections at initial siting.[27] However, MHD possesses no statutory authority or administrative mandate to inspect, regulate, or compel maintenance on existing, operating utility distribution grids owned by the park.

2.4 New Mexico Environment Department

The New Mexico Environment Department (NMED) exercises environmental health oversight under the Environmental Improvement Act.[28] The Drinking Water Bureau regulates parks operating private water sources or redistributing water to 25+ year-round residents or 15+ connections as Public Water Systems (PWS) under 42 U.S.C. § 300(f) and NMED rules, monitoring water purity and issuing boil-water advisories. The Liquid Waste Program oversees on-site septic systems.[29] NMED authority is strictly limited to water quality and liquid waste; it does not extend to gas grids, electrical lines, utility billing, or landlord-tenant disputes.

2.5 The New Mexico Department of Justice

The NMDOJ enforces mobile home park actions under the Unfair Practices Act (UPA),[30] investigating unconscionable trade practices or fraudulent overbilling by landlords. The NMDOJ informed the working group that it is able to use its authority under the UPA to successfully resolve specific consumer harms caused by landlords to mobile home park residents,[31] but it does not represent individuals in disputes. Additionally, the UPA provides no administrative framework for routine oversight or emergency utility restoration. Therefore,

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[25] NMSA 1978, §§ 60-14-1 to -20 (1975, as amended through 2019).
[26] *See* §§ 60-14-7 to -9 for licensing requirements.
[27] 14.12.5.8 and .14–.18 NMAC.
[28] NMSA 1978, §§ 74-1-1 to -18 (1971, as amended through 2024).
[29] 20.7.3 NMAC.
[30] NMSA 1978, §§ 57-12-1 through 57-12-27 (1967, as amended through 2025).
[31] The NMDOJ has used the UPA to address specific consumer complaint matters related to utilities in Alamogordo Mobile Home Parks using Resolution/Notice of Discontinuance. *See "Assurance of Discontinuance for White Sands, Desert Palms and Amber Skies,"* at https://newmexicoofficeoftheatto823-my.sharepoint.com/:f:/g/personal/mhayden_nmdoj_gov/IgCAIwkwmy2eQppen9qIFdK-AfbSU6JxPdvfcIC4uiB5uHw?e=pCJP3d.

when the NMDOJ does intervene in a matter, it generally will seek to pursue the State's interest and not the interests of individual claimants.

Because the MHPA contains no agency enforcement provision to address landlord violations, the NMDOJ states it has no primary jurisdiction to enforce mobile home park violations.[32] Therefore, the UPA is used by the NMDOJ as a tool to accomplish what is not otherwise available in statute.

According to the NMDOJ, it currently uses a complaint and resolution process to assign and address mobile home park grievances along with other consumer harms through its existing Intake procedures. It also acknowledges it is now addressing consumer issues even without primary jurisdiction under the MHPA.

III. Findings

The working group reviewed the New Mexico statutes and rules and made the following findings.

Finding 1: The Master-Meter Boundary Deprives Residents of Public Utility Protections and IOU Programs

Because PRC public utility jurisdiction terminates at the master meter under Section 62-3-3, mobile home park tenants are not customers under PRC rules. Consequently, residents of master-metered mobile home parks are excluded from PRC rules protecting direct customers of regulated utilities,[33] including winter disconnection moratoriums, 12-hour emergency restoration mandates upon medical certification, medical baseline allowances, and formal bill dispute procedures.

Furthermore, because residents are not direct utility customers of record, they are legally excluded from IOU low-income discount tariffs and other utility programs, including energy efficiency upgrade programs. Combined with relocation costs of $5,000 to $15,000, low-income working families, fixed-income seniors, and vulnerable residents are economically locked into failing private utility grids.[34]

Finding 2: Total Absence of Park Operating Licensing, Beneficial Ownership Registration, and Grid Inspections

New Mexico has no licensing requirements for operating mobile home parks, no public registry of park ownership entities, and no routine state inspection program for mobile home

[32] NMSA 1978, §§ 47-10-1 through 47-10-23 Mobile Home Park Act.
[33] 17.5.410.7(Q) NMAC.
[34] Section 47-10-20(A); see also 14.12.1.7 NMAC.

park owned underground distribution grids. Because park operators are not required to register with RLD, NMED, or the PRC, the state maintains no central database identifying beneficial owners, parent corporate entities, or managing agents.[35]

Out-of-state investment firms and corporate shell LLCs can purchase parks without state notification, making it difficult to identify a park's owners, complicating service of court process, and shielding decisionmakers from accountability for infrastructure failures. Additionally, park operators and managers are not subject to statutory qualifications or continuing education requirements for managing utility infrastructure.

Finding 3: Statutory Maintenance Obligations Lack Technical Precision and Standalone Habitability Warranties

The statutory obligation in Section 47-10-20(A) requiring owners to maintain 'park-owned exterior utility line hookups to the main lines' lacks technical precision. The MHPA fails to define exact physical demarcation points separating landlord infrastructure from tenant responsibility (meter sockets, shutoff valves, pedestals, risers) and sets no preventative maintenance, engineering, or replacement standards for subsurface piping.

The MHPA contains no standalone warranty of habitability, relying on generic laws in the UORRA.[36] Generic apartment habitability laws fail to address subsurface utility line collapses, master-meter failures, or lot-lease infrastructure maintenance.

Finding 4: Absence of Outage Notice Mandates, Emergency Response Standards, and Water Leak Protections

New Mexico law has no emergency operational requirements or tenant protections when private distribution lines fail. The MHPA requires no advance written notice for planned maintenance outages, sets no requirement for 24/7 emergency contact availability, and mandates no emergency communication during catastrophic utility failures.

Under UORRA, *tenants* must serve a 7-day written notice to cure before seeking legal remedies. During severe winter gas outages or summer water collapses, a 7-day notice period leaves families without essential services. Furthermore, while rent abatement under UORRA provides post-hoc monetary relief, it provides no physical mechanism to compel grid repairs or secure immediate emergency drinking water, temporary sanitation, or substitute hotel lodging.[37] Finally, New Mexico law does not explicitly prohibit park owners from passing

[35] Various state agencies have pieces of data that if cross referenced may provide a list of mobile home parks in the state, including Department of Tax and Finance, NMED, NMPRC and Housing New Mexico.
[36] NMSA 1978, §§ 47-8-20, 47-8-18, 47-8-52, and 47-8-3(F).
[37] *See* §§ 47-8-27.1(C) and 47-10-10(D); *see also* Nicholas Gilmore, *'We Need Help': Pojoaque Mobile Home Park Still Without Water a Week After Well Collapse*, Santa Fe New Mexican (Aug. 20, 2026),

the cost of water lost through leaking, park-owned main lines down to residents via master-meter allocation or submeter billing formulas.

Finding 5: Utility Resale Cost Allocation Flaws, Single-Family Rate Gaps, and Ratio Utility Billing Systems Common-Area Shifts

While Section 47-10-20(B) caps utility resale charges at the landlord's "cost per unit," current statutory rules allow significant cost shifts onto tenants. When landlords buy commercial-rate bulk utility service and pass it through on an "actual cost" basis, residents can end up paying higher effective rates than surrounding single-family homeowners who receive direct utility service.

Additionally, under Section 47-10-22, when master-metered utility service is allocated without individual submeters (e.g., using Ratio Utility Billing Systems), landlords can pass 100% of master-metered water, gas, or electric bills—including unmetered common-area usage and main line leakage—down to residents.

Finding 6: Fragmented Enforcement Authority and Unviable Civil Litigation Remedies

New Mexico has no agency assigned to receive, investigate, or adjudicate mobile home park utility complaints or issue administrative repair orders. Under the MHPA, enforcement relies entirely on individual tenants retaining private legal counsel and filing civil lawsuits in magistrate, metropolitan, or district court.

Civil penalties for utility billing violations in Section 47-10-23(A) are capped at a maximum of $500 per violation, providing an insufficient financial deterrent against corporate park operators who delay major capital infrastructure repairs. While New Mexico courts recognize strict statutory notice protections for mobile home tenants,[38] these judicial protections remain reactive and can only be asserted after a landlord initiates court eviction proceedings.

IV. Comparative State Approaches & Statutory Benchmarking

To evaluate potential regulatory reforms for New Mexico, the working group analyzed mobile home park utility statutes from across the United States. The jurisdictions the working group identified as benchmarks avoid treating park owners as fully regulated public utilities and

https://www.santafenewmexican.com/news/local_news/we-need-help-pojoaque-mobile-home-park-still-without-water-a-week-after-well-collapse/article_b84b82fc-e518-4f3d-9d33-99e6657246f7.html.

[38] *Four Hills Park Group, LLC v. Masabarakiza*, 2024-NMCA-047 (reaffirming that the Mobile Home Park Act prevails over the Uniform Owner-Resident Relations Act where their provisions conflict, and holding that landlords are subject to strict compliance with MHPA service rules due to mobile home tenants' inherent vulnerability as homeowners leasing land).

instead layer targeted statutory obligations, commercial licensing rules, resale rate caps, and administrative dispute resolution programs onto their existing housing and utility frameworks.

4.1 Mechanisms for Addressing Master-Meter Limits & Conversion (Finding 1)

California authorizes the transfer of gas and electric facilities in master-metered mobile home parks and manufactured housing communities to the serving IOU, allowing residents to become direct utility customers.[39] The California PUC's Mobilehome Park Utility Conversion Program (MHP-UCP) supports the conversion of eligible privately owned, master-metered gas and electric distribution systems to IOU ownership and direct metering. The program is voluntary and is intended to operate through 2030.[40] Following conversion, the participating IOU owns and maintains the converted gas or electric distribution facilities, and residents become direct utility customers for the converted service. The program does not convert park water or sewer systems, and propane systems are ineligible.

A number of states require individual metering in new mobile home parks and newly installed mobile homes. Examples include South Dakota, Tennessee, Missouri, Alabama, Kentucky, Idaho, Wyoming, Alaska, and Oklahoma.[41]

In addition to regulating utility rates and billing, states may subject privately owned, master-metered gas and water systems in mobile home parks to safety and public-health regulation. California regulates privately operated gas distribution systems within mobile home parks, while New Jersey requires an annual licensed-professional-engineer safety certification before a utility may provide gas service to a residential or commercial master-meter system.[42] If the owner or operator does not pass the inspection requirements, the rule directs the owner or operator to attempt to arrange for the serving utility to take over and bring the system into compliance, at the owner's expense.[43]

4.2 Mechanisms Addressing Licensing, Registration, & Grid Inspections (Finding 2)

States use several administrative mechanisms to identify mobile home parks, establish responsible parties, and support health, safety, and infrastructure compliance. Common

[39] *See* Cal. Pub. Util. Code §§ 2791–2799 (West 2026).
[40] *See* Cal. Pub. Utils. Comm'n, Decision No. 20-04-004, at 1–2, 71–72 (Apr. 16, 2020); Cal. Pub. Utils. Comm'n, Decision No. 24-12-037, at 2, 43–44 (Dec. 19, 2024).
[41] *See* S.D. Admin. R. 20:10:26:03; Tenn. Comp. R. & Regs. 1220-04-04-.07(2); Mo. Code Regs. Ann. tit. 20, § 4240-20.050(3)–(4); Ala. Admin. Code r. 770-X-3-.02; 807 Ky. Admin. Regs. 5:046; Idaho Admin. Code r. 31.26.01.101; Wyo. Pub. Serv. Comm'n Rules ch. 2, § 246; Alaska Admin. Code tit. 3, § 50.200; Okla. Admin. Code § 165:35-23-5.
[42] *See* Cal. Pub. Util. Code §§ 4351–4361, 4451–4465 (West 2026); N.J. Admin. Code § 14:6-6.4 (2026).
[43] *See* id. § 14:6-6.4(b).

approaches include annual operating licenses, park-registration systems, public databases, manager licensing, continuing-education requirements, and periodic inspections. The authorities reviewed illustrate that these tools vary in scope with some regulating park operations generally, while others focus on specific health, safety, utility, or consumer-protection functions.

Illinois requires obtaining a license from the Illinois Department of Public Health before establishing, maintaining, conducting, or operating a mobile home park.[44] The Department must conduct an annual inspection of each licensed mobile home park and may impose a reinspection fee when violations require follow-up inspections.[45] The Act and implementing regulations address health and sanitation conditions, including water supply, sewage disposal, electrical service, and other park facilities.

Colorado requires mobile home parks to register with the Division of Housing and renew registration annually. The Division maintains statutory registration-information and complaint-and-water-issue databases.[46] Nevada regulates manufactured home parks and licenses qualifying manufactured home park managers and assistant managers. Managers and assistant managers of qualifying parks must complete annual continuing education.[47]

4.3 Mechanisms Addressing Habitability Standards & Pipeline Duties (Finding 3)

Several states impose affirmative duties on mobile home park owners to maintain premises and common infrastructure, including utility facilities. These provisions may define landlord responsibility for utilities, establish park-specific habitability obligations, require minimum lease covenants, or authorize enforcement where a failure to maintain common facilities threatens resident health or safety. For example, Colorado deems a mobile home park owner to warrant that its premises are safe, clean, fit for human habitation and reasonable use. The landlord must pay for maintenance and repairs of landlord-owned sewer lines, water lines and utility-service lines; must maintain landlord-provided plumbing and utility connections in good working order; and must ensure that each pad space is connected to an approved sewage-disposal system.[48] California law treats a mobile home park management failure to substantially comply with specified maintenance obligations for common facilities as a

[44] *See* 210 Ill. Comp. Stat. 115/3 (2026).
[45] *See* id. § 115/5.5(a).
[46] *See* Colo. Rev. Stat. §§ 38-12-1106 to -1108 (2026); 8 Colo. Code Regs. § 1302-15.
[47] *See* Nev. Rev. Stat. ch. 461A; Nev. Rev. Stat. §§ 118B.020–.080, 086 (2001).
[48] *See* Colo. Rev. Stat. § 38-12-212.3(1)(a)(2024).

public nuisance.[49] Nevada, Washington and Vermont likewise establish park specific utility service requirements.[50]

4.4 Mechanisms Addressing Outages, Emergencies, & Leaks (Finding 4)

Several states established requirements for mobile home park utility outages, water-line leaks, emergency planning, and resident remedies. These provisions include emergency water and sanitation requirements, advance or prompt outage notices, restrictions on billing for water lost due to leaks in park-owned pipes, emergency-preparedness obligations, and remedies when essential services are not timely restored.

Colorado requires emergency potable water and portable sanitation after qualifying water-service interruptions; it also requires notice of an in-park water-line leak within 24 hours and prohibits billing residents for water lost through that leak.[51] Illinois also requires mobile home park owners to provide an alternative water supply when a water-service interruption occurs under certain circumstances,[52] and authorizes recovery of certain damages, including the cost of substitute housing for certain violations.[53]

California mandates written emergency preparedness plans and 24/7 emergency contact availability.[54] California law also requires mobile home park management to provide written notice before certain planned interruptions of utility service.[55]

Nevada provides tenant remedies for a landlord's failure to provide essential services. After written notice, if the landlord does not adequately remedy the failure, or use best efforts to do so within 48 hours, excluding weekends and legal holidays, the tenant may obtain essential services and deduct reasonable costs from rent, recover damages, obtain comparable substitute housing, and receive rent abatement during the noncompliance.[56]

4.5 Mechanisms Addressing Utility Rates, Allocation, & Utility Programs (Finding 5)

The working group examined several mechanisms states have implemented to protect residents of master-metered mobile home parks from excessive utility charges and opaque allocation practices. These mechanisms include rate-parity requirements, limits on administrative fees and common-area pass-throughs, mandatory pass-through of utility

[49] *See* Cal. Civ. Code § 798.87 (2002).
[50] *See* Nev. Rev. Stat. § 118B.090 (2019); Wash. Rev. Code § 59.20.130(6) (1999); Vt. Stat. Ann. tit. 10, § 6236 (2023).
[51] *See* Colo. Rev. Stat. §§ 38-12-212.3(1)(b) (2024), 38-12-212.4(5)–(6) (2022).
[52] *See* 765 Ill. Comp. Stat. 745/14.3 (2022).
[53] *See* id. § 745/21 (2025).
[54] *See* Cal. Code Regs. tit. 25, § 1013 (2026); Cal. Health & Safety Code § 18603 (West 2019).
[55] *See* Cal. Civ. Code §§ 798.42, 799.7 (West 2024).
[56] *See* Nev. Rev. Stat. § 118A.380 (2025).

rebates and discounts, prescribed allocation methods, and statutory remedies for overcharges.

California's statute is a clear example: a master-meter customer must charge tenants the same rate that would apply if the tenant received gas or electric service directly from the serving utility. California law also explicitly requires master-metered mobile home park owners to pass on any rebates they receive from the utility provider to park residents and expressly preserves the eligibility of master-metered park residents for special low-income rates.[57]

Other states limit what landlords may charge for common areas and administrative fees. Illinois caps the amount park owners can pass through to residents for common area utility usage to 80% of the owner's bill when common-area use is not separately measured, forcing them to absorb line losses for water leaks.[58] Similarly, Nevada and Virginia require proration formulas that deduct common area usage;[59] Minnesota requires park owners to deduct owner-used utility service before billing residents;[60] and Texas places submetering rules for water under the Public Utility Commission of Texas, allowing it to enforce rules via administrative and civil penalties.[61]

4.6 Mechanisms Addressing Administrative Disputes & Enforcement (Finding 6)

The working group identified several states that have established administrative programs to investigate mobile home park complaints and enforce landlord-tenant, registration, or utility-billing requirements. The scope of authority ranges from agency-facilitated investigations and hearings to formal determinations, civil penalties, and corrective-action orders.

Colorado's Mobile Home Park Act authorizes the Division of Housing within the Department of Local Affairs to administer the Mobile Home Park Dispute Resolution and Enforcement Program (DREP) and to conduct complaint investigations, hold administrative hearings, issuing binding Notices of Violation, and levy civil fines up to $10,000 for non-compliance or retaliation.[62]

Washington's Manufactured/Mobile Home Dispute Resolution Program is administered by the Office of the Attorney General. The program may receive complaints, investigate alleged

[57] *See* Cal. Pub. Util. Code § 739.5(a), (b)(1), (h) (2020).
[58] *See* 765 Ill. Comp. Stat. 745/6.2(a)–(b) (2026).
[59] *See* Nev. Rev. Stat. § 704.940 (2025); Va. Code § 55.1-1307 (2019).
[60] *See* Minn. Stat. §§ 327C.04 (2023).
[61] *See* Tex. Util. Code § 184.013 (1997); Tex. Water Code §§ 13.5031, 13.505 (2017).
[62] *See* Colo. Rev. Stat. §§ 38-12-1101 to -1110 (2019).

violations, negotiate or otherwise facilitate dispute resolution, issue determinations, and impose fines or other penalties.[63] A respondent that fails to take required corrective action and does not timely request an administrative hearing may be subject to a civil fine of up to $250 per violation per day for each day the violation remains uncorrected.[64]

In Arizona, mobile home park residents may file complaints alleging noncompliance with the Arizona Mobile Home Parks Residential Landlord and Tenant Act with the Arizona Department of Housing, which can hold hearings before an administrative law judge, order compliance, and impose civil penalties. [65]

4.7 Statutory Issues Matrix

Policy / Issue Domain	New Mexico Baseline (Current Law)	Regulated as Public Utility	Benchmark State Statutory Mechanisms	Primary Enforcement Agency	Key Statutory Penalties & Tenant Remedies
1. Master Meter & Grid Conversion	Master-Meter Cutoff (NMSA § 62-3-3); no conversion program or master-meter ban on new construction. Ch. 70 covers gas safety (§ 70-3-12).	NO (NMPRC stops at master meter under Ch. 62)	CA: Pub. Util. Code §§ 2791–2799 (MHP UCP conversion); § 2791(c) (ban on new master meters). SD, TN, MO, AL, KY, ID, WY, AK, OK: Statutory master-meter bans.	CPUC (CA); State PUCs; NMED / EPA (PWS water)	Utility rate-base grid rebuilding; direct customer metering; PWS boil-water notices.
2. Licensing & Registration	Unlicensed & Unregistered. MHD is limited to setup permits (§ 60-14-1; 14.12.5 NMAC). Anonymity of corporate LLC owners.	NO	IL: 210 ILCS 115 (annual IDPH license & inspection). CO: C.R.S. § 38-12-1104 (annual registry). NV: NRS § 461A.030 & § 118B.086 (facility/manager dual licensing).	IDPH (IL); DOLA (CO); MHD (NV); HCD (CA)	Operating license revocation; misdemeanor fines; public beneficial ownership tracking.
3. Habitability & Line Duties	Vague Line Duty (§ 47-10-20(A)); generic UORRA fallback (§ 47-8-20).	NO	AZ: A.R.S. § 33-1434 (Fit Premises). CO: C.R.S. § 38-12-212.3 (deemed warranty; pedestal line duty). IL: 765 ILCS 745/11 (lease covenants). CA: Civ. Code § 798.87 (public nuisance per se).	ADOH (AZ); DOLA (CO); Civil Courts (IL/CA)	Public nuisance abatement; civil court damages; injunctions.

[63] *See* Wash. Rev. Code §§ 59.30.030–.040 (2007).
[64] *See* Wash. Rev. Code § 59.30.040 (2007).
[65] *See* Ariz. Rev. Stat. Ann. §§ 41-4061 to -4065 (2016).

Policy / Issue Domain	New Mexico Baseline (Current Law)	Regulated as Public Utility	Benchmark State Statutory Mechanisms	Primary Enforcement Agency	Key Statutory Penalties & Tenant Remedies
4. Outages & Leak Protections	Zero Outage Rules. 7-day cure (§ 47-8-27.1); post-hoc rent abatement (§ 47-8-27.2). Water leaks can be passed on to tenants.	NO	CO: C.R.S. § 38-12-212.3 & .4 (12-hr water/sanitation; 24-hr leak notice; anti-leak billing ban). CA: Civ. Code § 798.42 (72-hr outage notice). IL: 765 ILCS 745/21 (hotel cost recovery).	DOLA (CO); HCD (CA); IDPH (IL)	12-hr emergency water delivery; hotel cost reimbursement; 1.5x rent damages (NE).
5. Resale Rates & Programs	Cost Per Unit Cap (§ 47-10-20(B)); admin fees allowed (§ 47-10-21). Excluded from IOU CARE discounts & weatherization.	NO (Exempt if no profit)	AZ, CA, MD, MN, FL, NV: Rate capped at basic single-family residential rate. CA: Pub. Util. Code § 739.5(b) (CARE discount pass-through). TX: Tex. Water Code § 13.505 (treble damages).	PUCT (TX); AG (AZ); CPUC (CA)	Treble damages (3x overcharge) + 1 mo. rent penalty (TX); CARE discount pass-through.
6. Administrative Dispute Enforcement	Purely Civil Statute. No state administrative dispute agency (§ 47-10-17). $500 penalty cap (§ 47-10-23).	NO	CO: C.R.S. § 38-12-1101 (DREP program). WA: RCW Ch. 59.30 (AG MHDRP program). AZ: A.R.S. §§ 41-4061–4065 (ADOH hearings).	DOLA (CO); AG (WA); ADOH (AZ); HCD (CA)	Up to $10,000 civil fines (CO); binding Notices of Violation (NOVs); state legal aid.

V. Specific Proposed Statutory Amendments for New Mexico

Based on the working group's findings, the PUA and Pipeline Safety Act jurisdictional analysis, and multi-jurisdictional benchmarking, the report outlines a comprehensive 6-pillar legislative package for New Mexico.

Commercial Operating Licensing & Beneficial Ownership Registration Framework

Amend state law to require all mobile home parks (12+ sites) to obtain an annual operating license from a designated state agency (such as RLD/MHD or the Health Care Authority), contingent on local utility safety compliance and annual registration. Require annual disclosure of beneficial corporate ownership entities, parent corporate structures, and local managing agents, plus 30-day advance notification of ownership transfers.

Proactive and Coordinated Inspections

Grant statutory authority to state inspectors to perform periodic health and safety audits of underground gas, water, sewer, and electrical distribution systems inside parks, rather than relying exclusively on post-collapse complaints. Expand the PRC's Pipeline Safety Division coordination in the PUA with MHD and NMED.

Standalone Warranty of Habitability, Outage Protocols & Emergency Relief

Amend the MHPA to establish an explicit warranty of habitability, mandating 72 hours' advance notice for planned outages, 24-hour leak notices, emergency potable water delivery within 12 hours, and substitute lodging cost recovery for severe outages.

Resale Rate Caps, IOU Program Discount Pass-Throughs & Ratio Utility Billing System Restrictions

Cap submetered utility resale charges at the serving utility's basic single-family residential rate, mandate passing IOU low-income rate discounts (e.g., CARE and LIHEAP credits) directly through to submetered residents, restrict unmetered Ratio Utility Billing System formulas (e.g., 80% cap), and prohibit billing residents for water lost due to private in-park line leaks. In addition, prohibit rent increases or fees that transfer the cost of deferred maintenance to resident homeowners.

Centralized Administrative Dispute Program & Enhanced Penalty Authority

Establish an administrative complaint registry and dispute resolution program within a designated state agency, equipped with administrative hearing officers and expanded civil penalty authority (up to $10,000 for retaliation or willful failure to repair).

Voluntary Utility Grid Conversion Pathway

Amend Section 62-8-13 (Grid Modernization) to create a voluntary utility conversion program, allowing willing investor-owned or municipal utilities to rebuild, take over, and directly meter legacy master-metered park distribution grids.[66]

Conclusion

HM 54 recognizes that reliable access to electricity, natural gas, drinking water, and wastewater service is fundamental to the health, safety, and housing stability of residents in New Mexico mobile home parks. It also recognizes that the delivery of those services may involve several factors—including public or municipal utilities, park owners and operators,

[66] *See* California Public Utilities Commission, Mobilehome Park Utility Upgrade Program at https://www.cpuc.ca.gov/regulatory-services/safety/mhp/mobilehome-park-utility-upgrade-program.

residents, and state and local agencies—whose respective responsibilities, oversight mechanisms, and available remedies are not always clearly aligned.

While this report outlines the benefits of enhanced oversight, it does not capture every idea raised by working group members. Some members sought a deeper and more detailed exploration of implementation and affordability considerations such as the number and condition of mobile home parks, associated inspection and remediation costs, impacts on smaller communities, and potential funding mechanisms. Because manufactured housing remains an important source of unsubsidized affordable housing, it is essential to evaluate reliability and affordability impacts together to ensure that policy decisions strengthen safety without undermining housing stability.

The working group's recommendations are therefore directed toward developing a more coherent framework for: (1) identifying responsibility for in-park utility infrastructure; (2) establishing reasonable maintenance, inspection, notification, and recordkeeping expectations; (3) improving coordination among the PRC, RLD, environmental and public-health authorities, municipalities, and other responsible entities; (4) providing residents with understandable complaint and response pathways; and (5) ensuring that enforcement and remedial measures are proportionate, practicable, and supported by adequate administrative resources.