
THIRD READING

Bill No: AB 1448
Author: Lopez (D)
Amended: 9/4/15 in Senate
Vote: 21

SENATE TRANS. & HOUSING COMMITTEE: 8-1, 6/23/15
AYES: Beall, Allen, Gaines, Galgiani, Leyva, Mendoza, Roth, Wieckowski
NOES: Bates
NO VOTE RECORDED: Cannella, McGuire

SENATE JUDICIARY COMMITTEE: 6-0, 7/7/15
AYES: Jackson, Moorchach, Hertzberg, Leno, Monning, Wieckowski
NO VOTE RECORDED: Anderson

ASSEMBLY FLOOR: 52-18, 5/22/15 - See last page for vote

SUBJECT: Personal energy conservation: real property restrictions

SOURCE: The Utility Reform Network

DIGEST: This bill requires a landlord to allow a tenant to use a clothesline or drying rack in the private area of a tenant's rental tenancy if certain conditions are met, including that the clothesline or drying rack will not interfere with the maintenance of the rental property. This bill also voids, or makes unenforceable, any provision of a governing document in a common interest development (CID) that prohibits an owner's ability to use a clothesline or drying rack in the owner's backyard.

Senate Floor Amendments of 9/4/15 add a requirement that a tenant receive approval of the clothesline or drying rack, or the type of clothesline or drying rack, from the landlord, in order to use a clothesline or drying rack.

ANALYSIS:

Existing law:

- 1) Regulates the terms and conditions of residential tenancies, and generally requires landlords to keep the rental units in a condition fit for occupancy.
- 2) Creates an implied covenant of quiet enjoyment in every lease, requiring that the tenant shall not be disturbed in his or her possession by the landlord.
- 3) Regulates the purposes for which a renter's security deposit may be used, including, but not limited to, compensating the landlord for default on payment of rent; cleaning or repairing rented property, exclusive of normal wear and tear; or remedying future obligations under the rental agreement, as specified.
- 4) Permits the governing board of a homeowners association (HOA) to adopt operating rules that apply generally to the management and operation of the CID or the conduct of the business and affairs of the HOA, provided that the rules are within the authority of the board to make; do not conflict with the association's articles, bylaws, or governing law; and are reasonable.
- 5) Provides specified limits to the authority of HOA governing documents to regulate the use of a member's separate interest, including provisions relating to the display of signs, the installation of solar energy systems, and modification to property to accommodate a disability.

This bill:

- 1) Defines "clothesline" as including a cord, rope, or wire from which laundered items may be hung to dry or air. A balcony, railing, awning, or other part of a structure or building shall not qualify as a clothesline.
- 2) Defines "drying rack" as an apparatus from which laundered items may be hung to dry or air. A balcony, railing, awning, or other part of a structure or building shall not qualify as a drying rack.
- 3) Defines "private area" as an outdoor area or an area in the tenant's premises enclosed by a wall or fence with access from a door of the premises.
- 4) Provides that a tenant may utilize a clothesline or drying rack in the tenant's private area if all of the following conditions are met:

- a) The clothesline or drying rack will not interfere with the maintenance of the rental property;
 - b) The clothesline or drying rack will not create a health or safety hazard, block doorways, or interfere with walkways or utility service equipment;
 - c) The tenant seeks the landlord's consent before affixing a clothesline to a building;
 - d) Use of the clothesline or drying rack does not violate reasonable time or location restrictions imposed by the landlord; and
 - e) The tenant has received approval of the clothesline or drying rack, or the type of clothesline or drying rack, from the landlord.
- 5) Voids, or makes unenforceable, any provision of a governing document in a CID that effectively prohibits, or unreasonably restricts, an owner's ability to use a clothesline or drying rack in the owner's backyard and specifies that this section only applies to backyards that are designated for the exclusive use of the owner.
- 6) Permits an HOA to establish reasonable restrictions for the use of a clothesline or drying rack, and defines "reasonable restrictions" as restrictions that do not significantly increase the cost of using a clothesline or drying rack.

Comments

Purpose of the bill. According to the source, The Utility Reform Network, due to an ambiguity in existing law, many homeowners, condominium, or apartment associations have an outright ban on the use of clotheslines. This ban prevents low-income families and energy-conscious persons from using a low-cost, low-technology energy-conservation tool. This bill ensures that associations and landlords cannot enforce an outright prohibition on the use of a clothesline or drying rack in a person's private area if certain conditions are met.

Permissible use of clotheslines and drying racks. This bill provides that any provision in a CID governing document is unenforceable if it effectively prohibits or unreasonably restricts the ability of an owner to use a backyard clothesline or drying rack. This bill allows HOAs, however, to impose reasonable restrictions on an owner's use of a clothesline or drying rack. This bill also specifies that use of a clothesline or drying rack is limited to backyard use and may not be used in common areas.

Renters would be authorized to use a clothesline or drying rack in the private area of their tenancy, like a backyard, if they get approval from their landlords and the clothesline or drying rack does not interfere with the maintenance of the rental property; does not create a health or safety hazard, block doorways, or interfere with walkways or utility service equipment; and if the tenant seeks the landlord's consent before attaching a clothesline to a building.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 9/3/15)

The Utility Reform Network (source)
 California Municipal Utilities Association
 California State Grange
 Chinatown Community Development Center
 Conference of California Bar Associations
 Consumer Federation of California
 Latino Coalition for a Healthy California
 Natural Resources Defense Council
 Sebastopol Grange #306

OPPOSITION: (Verified 9/3/15)

None received

ASSEMBLY FLOOR: 52-18, 5/22/15

AYES: Baker, Bloom, Bonta, Brown, Burke, Calderon, Campos, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Dahle, Daly, Dodd, Eggman, Frazier, Gallagher, Cristina Garcia, Eduardo Garcia, Gomez, Gonzalez, Gordon, Gray, Roger Hernández, Holden, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, McCarty, Medina, Mullin, Nazarian, Patterson, Perea, Quirk, Rendon, Ridley-Thomas, Salas, Santiago, Mark Stone, Thurmond, Ting, Williams, Wood, Atkins

NOES: Achadjian, Travis Allen, Bigelow, Brough, Beth Gaines, Gatto, Hadley, Harper, Irwin, Jones, Maienschein, Mathis, Mayes, Melendez, Obernolte, Steinorth, Wagner, Wilk

NO VOTE RECORDED: Alejo, Bonilla, Chang, Gipson, Grove, O'Donnell, Olsen, Rodriguez, Waldron, Weber

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9/8/15 21:59:29

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