

AMENDED IN ASSEMBLY JUNE 16, 2011

AMENDED IN SENATE MAY 25, 2011

AMENDED IN SENATE APRIL 12, 2011

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 337

Introduced by Senator Kehoe

February 15, 2011

An act to add Section 1940.4 to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 337, as amended, Kehoe. Tenancy: ~~noncommercial~~ *political* signs.

Existing law regulates the terms and conditions of residential tenancies, *and prohibits a landlord from interfering with a tenant's quiet enjoyment of the premises*. Existing law *also* prohibits the governing documents of a common interest development from prohibiting the posting or displaying of noncommercial signs, posters, flags, or banners on or in an owner's separate interest, except as specified.

This bill would prohibit a landlord from prohibiting a tenant from posting or displaying political signs *relating to an election or legislative vote, the initiative, referendum, or recall process, or issues before a public body for a vote*, except under certain circumstances. *The bill would require a tenant to comply with the time period established by the local ordinance for the posting and removal of political signs or, in the absence of those provisions, by reasonable time limits, as specified, established by the landlord.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1940.4 is added to the Civil Code, to
2 read:

3 1940.4. (a) Except as provided in subdivision ~~(b)~~ (c), a landlord
4 shall not prohibit a tenant from posting or displaying ~~political signs~~
5 ~~on or within any portion of the tenant's dwelling unit.~~

6 ~~(b) A landlord may prohibit a tenant from posting or displaying~~
7 ~~political signs in any the following circumstances:~~

8 ~~(1) The posting or display would violate a local, state, or federal~~
9 ~~law.~~

10 ~~(2) The posting or display would violate a provision in the~~
11 ~~governing document of a common interest development that~~
12 ~~satisfies the requirements in Section 1353.6.~~

13 ~~(3) The posting or display would violate a provision in the~~
14 ~~covenants, conditions, and restrictions recorded against the~~
15 ~~property.~~

16 ~~(4) The sign is more than nine square feet in size.~~

17 ~~(e) For purposes of this section, "political signs" includes signs~~
18 ~~relating to an election or legislative vote, including an election for~~
19 ~~a candidate for public office or the initiative, referendum, or recall~~
20 ~~process.~~

21 *political signs relating to any of the following:*

22 *(1) An election or legislative vote, including an election of a*
23 *candidate to public office.*

24 *(2) The initiative, referendum, or recall process.*

25 *(3) Issues that are before a public commission, public board,*
26 *or elected local body for a vote.*

27 *(b) Political signs may be posted or displayed in the window or*
28 *on the door of the premises leased by the tenant in a multifamily*
29 *dwelling, or from the yard, window, door, balcony, or outside wall*
30 *of the premises leased by a tenant of a single-family dwelling.*

31 *(c) A landlord may prohibit a tenant from posting or displaying*
32 *political signs in the following circumstances:*

33 *(1) The political sign is more than six square feet in size.*

34 *(2) The posting or displaying would violate a local, state, or*
35 *federal law.*

36 *(3) The posting or displaying would violate a lawful provision*
37 *in a common interest development governing a document that*
38 *satisfies the criteria of Section 1353.6.*

1 *(d) A tenant shall post and remove political signs in compliance*
 2 *with the time limits set by the ordinance for the jurisdiction where*
 3 *the premises are located. If no local ordinance exists or if the local*
 4 *ordinance does not include a time limit for posting and removing*
 5 *political signs on private property, the landlord may establish a*
 6 *reasonable time period for the posting and removal of political*
 7 *signs. A reasonable time period for this purpose shall begin at*
 8 *least 90 days prior to the date of the election or vote to which the*
 9 *sign relates and end 15 days following the date of the election or*
 10 *vote.*

11 **SEC. 2.** It is the intent of the Legislature that the enactment of
 12 this bill shall not diminish or affect in any way other forms of
 13 noncommercial expression by a tenant when that expression is not
 14 associated with political signs.

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 17 **CORRECTIONS:** _____

18 **Text—Page 2.**

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