

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1448

Introduced by Assembly Member Lopez

February 27, 2015

An act to add Sections 1940.20 and 4750.10 to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1448, as amended, Lopez. Personal energy conservation: real property restrictions.

(1) Existing law requires a landlord to permit a tenant to participate in personal agriculture in portable containers approved by the landlord if certain conditions are met, including, among others, that the plant crop will not interfere with the maintenance of the rental property.

This bill ~~would~~ *would, subject to reasonable time and place requirements*, require a landlord to permit a tenant to utilize a clothesline or drying rack, as defined, approved by the landlord in the tenant's private area, as defined, if certain conditions are met, including, among others, that the clothesline or drying rack will not interfere with the maintenance of the rental property. ~~The bill would specify that these provisions do not prohibit reasonable time or location restrictions.~~

(2) Under existing law, any provision of a governing document, as defined, that effectively prohibits or unreasonably restricts the use of a homeowner's backyard for personal agriculture, as defined, is void and unenforceable, unless it imposes a reasonable restriction, as defined, on the use of a homeowner's backyard.

This bill would make any provision of a governing document, as defined, void and unenforceable if it effectively prohibits or unreasonably restricts the use of a homeowner’s backyard for ~~personal energy conservation purposes, including, but not limited to,~~ the use of a clothesline, as defined, or ~~any other similar device,~~ a *drying rack*, except that reasonable restrictions, as defined, would be enforceable. The bill would specify that these provisions would only apply to yards that are designated for the exclusive use of the homeowner.

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 1940.20 is added to the Civil Code,
2 immediately following Section 1940.10, to read:

3 1940.20. (a) For purposes of this section, the following
4 definitions shall apply:

5 (1) “Clothesline” includes a cord, rope, or wire from which
6 clothes may be hung to dry or air.

7 (2) “Drying rack” means an apparatus from which clothes may
8 be hung to dry or air.

9 (3) “Private area” means an outdoor area or an area in the
10 tenant’s premises enclosed by a wall or fence with access from a
11 door of the premises.

12 (b) ~~A~~ *Subject to reasonable time or location restrictions, a*
13 *landlord shall permit a tenant to utilize a clothesline or drying rack*
14 *approved by the landlord in the tenant’s private area if both all of*
15 *the following conditions are met:*

16 (1) The clothesline or drying rack shall not interfere with the
17 maintenance of the rental property.

18 (2) The clothesline or drying rack shall not create a health or
19 safety hazard, block doorways, or interfere with walkways or utility
20 service equipment.

21 ~~(e) This section does not prohibit reasonable time or location~~
22 ~~restrictions.~~

23 (3) *The tenant seeks the landlord’s consent before affixing a*
24 *clothesline to a building.*

25 SEC. 2. Section 4750.10 is added to the Civil Code,
26 immediately following Section 4750, to read:

1 4750.10. (a) For purposes of this section, “clothesline” has
2 the same definition as in Section 1940.20.

3 (b) Any provision of a governing document, as defined in
4 Section 4150, shall be void and unenforceable if it effectively
5 prohibits or unreasonably restricts ~~the use of a homeowner’s~~
6 ~~backyard for personal energy conservation purposes, including,~~
7 ~~but not limited to, the use of a clothesline or any similar device. a~~
8 ~~homeowner’s ability to use a backyard clothesline or drying rack.~~

9 (c) (1) This section does not apply to provisions that impose
10 reasonable restrictions ~~on the use of a homeowner’s yard for~~
11 ~~personal energy conservation purposes, including the use of a~~
12 ~~clothesline or any similar device. drying rack.~~

13 (2) For purposes of this section, “reasonable restrictions” are
14 restrictions that do not significantly increase the cost of ~~engaging~~
15 ~~in personal energy conservation, including the use of a clothesline~~
16 ~~or any similar device, or significantly decrease the efficiency of~~
17 ~~personal energy conservation. using a clothesline or drying rack.~~

18 (3) This section applies only to yards that are designated for the
19 exclusive use of the homeowner.

20 (d) Nothing in this section shall prohibit an association from
21 establishing and enforcing reasonable rules governing clotheslines
22 ~~or any similar device. drying racks.~~