

AMENDED IN ASSEMBLY MAY 14, 2015

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1448**

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**Introduced by Assembly Member Lopez**

February 27, 2015

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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, 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.

(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 the use of a clothesline, as defined,~~ a clothesline or a drying rack, as defined, in an owner's yard, 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.~~ owner.

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 laundered items~~ may be hung to dry or air. A balcony,
- 7 railing, awning, or other part of a structure or building shall not
- 8 qualify as a clothesline.
- 9 (2) "Drying rack" means an apparatus from which ~~clothes~~
- 10 ~~laundered items~~ may be hung to dry or air. A balcony, railing,
- 11 awning, or other part of a structure or building shall not qualify
- 12 as a drying rack.
- 13 (3) "Private area" means an outdoor area or an area in the
- 14 tenant's premises enclosed by a wall or fence with access from a
- 15 door of the premises.
- 16 (b) ~~Subject to reasonable time or location restrictions, a landlord~~
- 17 ~~shall permit a~~ tenant ~~to~~ may utilize a clothesline or drying rack
- 18 if approved by the ~~landlord~~ landlord, and subject to reasonable
- 19 time or location restrictions, in the tenant's private area if all of
- 20 the following conditions are met:
- 21 (1) The clothesline or drying rack shall not interfere with the
- 22 maintenance of the rental property.
- 23 (2) The clothesline or drying rack shall not create a health or
- 24 safety hazard, block doorways, or interfere with walkways or utility
- 25 service equipment.
- 26 (3) The tenant seeks the landlord's consent before affixing a
- 27 clothesline to a building.

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

3 4750.10. (a) For purposes of this section, “clothesline” ~~has~~  
4 ~~the same definition as in Section 1940.20:~~ *includes a cord, rope,*  
5 *or wire from which laundered items may be hung to dry or air. A*  
6 *balcony, railing, awning, or other part of a structure or building*  
7 *shall not qualify as a clothesline.*

8 (b) *For purposes of this section, “drying rack” means an*  
9 *apparatus from which laundered items may be hung to dry or air.*  
10 *A balcony, railing, awning, or other part of a structure or building*  
11 *shall not qualify as a drying rack.*

12 ~~(b)~~

13 (c) Any provision of a governing document, as defined in  
14 Section 4150, shall be void and unenforceable if it effectively  
15 prohibits or unreasonably restricts ~~a homeowner’s~~ *an owner’s*  
16 ability to use a ~~backyard~~ clothesline or drying rack. *rack in the*  
17 *owner’s yard.*

18 ~~(c)~~

19 (d) (1) This section does not apply to provisions that impose  
20 reasonable restrictions on ~~a homeowner’s~~ *an owner’s* yard for the  
21 use of a clothesline or drying rack.

22 (2) For purposes of this section, “reasonable restrictions” are  
23 restrictions that do not significantly increase the cost of using a  
24 clothesline or drying rack.

25 (3) This section applies only to yards that are designated for the  
26 exclusive use of the ~~homeowner.~~ *owner.*

27 ~~(d)~~

28 (e) Nothing in this section shall prohibit an association from  
29 establishing and enforcing reasonable rules governing clotheslines  
30 or drying racks.