

AMENDED IN SENATE JULY 15, 2015

AMENDED IN SENATE JUNE 16, 2015

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

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, subject to reasonable time and place requirements,~~ *would* 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.~~ *property and the use of the clothesline or drying*

rack does not violate reasonable time or location restrictions imposed by the landlord.

(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 clothesline or a drying rack, as defined, in an owner’s backyard, except that reasonable restrictions, as defined, would be enforceable. The bill would specify that these provisions would only apply to backyards that are designated for the exclusive use of the 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 laundered items may be hung to dry or air. A balcony, railing,
7 awning, or other part of a structure or building shall not qualify as
8 a clothesline.

9 (2) “Drying rack” means an apparatus from which laundered
10 items may be hung to dry or air. A balcony, railing, awning, or
11 other part of a structure or building shall not qualify as a drying
12 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) A tenant may utilize a clothesline or drying rack if approved
17 ~~by the landlord, and subject to reasonable time or location~~
18 ~~restrictions~~, in the tenant’s private area if all of the following
19 conditions are met:

20 (1) The clothesline or drying rack will not interfere with the
21 maintenance of the rental property.

1 (2) The clothesline or drying rack will not create a health or
2 safety hazard, block doorways, or interfere with walkways or utility
3 service equipment.

4 (3) The tenant seeks the landlord’s consent before affixing a
5 clothesline to a building.

6 (4) *Use of the clothesline or drying rack does not violate*
7 *reasonable time or location restrictions imposed by the landlord.*

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

10 4750.10. (a) For purposes of this section, “clothesline” includes
11 a cord, rope, or wire from which laundered items may be hung to
12 dry or air. A balcony, railing, awning, or other part of a structure
13 or building shall not qualify as a clothesline.

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

18 (c) Any provision of a governing document, as defined in
19 Section 4150, shall be void and unenforceable if it effectively
20 prohibits or unreasonably restricts an owner’s ability to use a
21 clothesline or drying rack in the owner’s backyard.

22 (d) (1) This section does not apply to provisions that impose
23 reasonable restrictions on an owner’s backyard for the use of a
24 clothesline or drying rack.

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

28 (3) This section applies only to backyards that are designated
29 for the exclusive use of the owner.

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