

Assembly Bill No. 1448

CHAPTER 602

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

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1448, 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 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 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.

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

SECTION 1. Section 1940.20 is added to the Civil Code, immediately following Section 1940.10, to read:

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

(1) "Clothesline" includes 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) “Drying rack” means 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) “Private area” means 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.

(b) A tenant may utilize a clothesline or drying rack in the tenant’s private area if all of the following conditions are met:

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

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

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

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

(5) The tenant has received approval of the clothesline or drying rack, or the type of clothesline or drying rack, from the landlord.

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

4750.10. (a) For purposes of this section, “clothesline” includes 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.

(b) For purposes of this section, “drying rack” means 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.

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

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

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

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

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