

**Introduced by Committee on Transportation and Housing (Senators Beall (Chair), Allen, Bates, Cannella, Gaines, Galgiani, Leyva, McGuire, Mendoza, Roth, and Wieckowski)**

February 3, 2016

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An act to amend Section 4270 of, and to amend and renumber Section 4750.10 of, the Civil Code, and to amend Section 12955.9 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 944, as introduced, Committee on Transportation and Housing. Housing omnibus.

(1) The Davis-Stirling Common Interest Development Act, among other things, requires that the declaration, as defined, of a common interest development include certain specified information and allows for amendments to the declaration pursuant to either the declaration or the provisions of the act. Under existing law, an amendment to a declaration is generally effective after certain specified requirements are met, except as provided.

This bill would clarify that the exception from this requirement includes alternative procedures established in other specified provisions of the act for approving, certifying, or recording an amendment.

Existing law also provides that any provision, except for a reasonable restriction, as defined, of a governing document, as defined, of a common interest development is 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.

This bill would make nonsubstantive changes to this provision.

(2) Under the California Fair Employment and Housing Act, the owner of a housing accommodation is prohibited from discriminating

against or harassing any person on the basis of certain personal characteristics, including familial status. The act provides that its provisions relating to discrimination based on familial status do not apply to housing for older persons, defined to include, among others, mobilehome parks that meet the standards for “housing for older persons” contained in the federal Fair Housing Amendments Act of 1988.

This bill would instead require, for this purpose, mobilehome parks to meet the standards for “housing for older persons” contained in the federal Fair Housing Act, as amended by Public Law 104–76.

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 4270 of the Civil Code is amended to  
2 read:

3 4270. (a) A declaration may be amended pursuant to the  
4 declaration or this act. Except ~~as~~ *where an alternative process for*  
5 *approving, certifying, or recording an amendment is provided in*  
6 *Section 4225, 4230, 4235, or 4275, an amendment is effective*  
7 *after all of the following requirements have been met:*

8 (1) The amendment has been approved by the percentage of  
9 members required by the declaration and any other person whose  
10 approval is required by the declaration.

11 (2) That fact has been certified in a writing executed and  
12 acknowledged by the officer designated in the declaration or by  
13 the association for that purpose, or if no one is designated, by the  
14 president of the association.

15 (3) The amendment has been recorded in each county in which  
16 a portion of the common interest development is located.

17 (b) If the declaration does not specify the percentage of members  
18 who must approve an amendment of the declaration, an amendment  
19 may be approved by a majority of all members, pursuant to Section  
20 4065.

21 SEC. 2. Section 4750.10 of the Civil Code is amended and  
22 renumbered to read:

23 ~~4750.10.~~

24 4753. (a) For *the* purposes of this section, “clothesline”  
25 includes a cord, rope, or wire from which laundered items may be

1 hung to dry or air. A balcony, railing, awning, or other part of a  
2 structure or building shall not qualify as a clothesline.

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

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

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

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

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

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

22 SEC. 3. Section 12955.9 of the Government Code is amended  
23 to read:

24 12955.9. (a) The provisions of this part relating to  
25 discrimination on the basis of familial status shall not apply to  
26 housing for older persons.

27 (b) As used in this section, “housing for older persons” means  
28 any of the following:

29 (1) Housing provided under any state or federal program that  
30 the Secretary of Housing and Urban Development determines is  
31 specifically designed and operated to assist elderly persons, as  
32 defined in the state or federal program.

33 (2) Housing that meets the standards for senior housing in  
34 Sections 51.2, 51.3, and 51.4 of the Civil Code, except to the extent  
35 that those standards violate the prohibition of familial status  
36 discrimination in the federal Fair Housing Amendments Act of  
37 1988 (~~P.L.~~ *Public Law* 100-430) and implementing regulations.

38 (3) Mobilehome parks that meet the standards for “housing for  
39 older persons” as defined in the federal Fair Housing ~~Amendments~~

1 ~~Act of 1988 Act, as amended by Public Law 104-76, and~~  
2 implementing regulations.

3 (c) For purposes of this section, the burden of proof shall be on  
4 the owner to prove that the housing qualifies as housing for older  
5 persons.

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