

Assembly Bill No. 3026

CHAPTER 926

An act to amend Section 1102.6 of, and to add Section 1102.16 to, the Civil Code, and to add Section 17958.4 to, the Health and Safety Code, relating to housing.

[Approved by Governor September 25, 1996. Filed
with Secretary of State September 26, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3026, Bates. Housing: safety: disclosures.

Existing law requires a seller of residential property to make disclosures upon the transfer of that property, and sets forth the content and form of these disclosures.

This bill would, commencing July 1, 1997, add to the listing of required disclosures certain prescribed security safeguards; including, among other things, the presence or absence of security bars for windows, with, or without, quick-release mechanisms on bedroom windows; an anchored, bolted, or strapped water heater; a child-resistant barrier, as prescribed, for a pool, and a locking safety cover for a spa, and would delete the disclosure requirement under existing law regarding a hot tub.

Existing law, which is administered by the Department of Housing and Community Development, generally regulates the construction, use, maintenance, and occupancy of buildings used for human habitation.

This bill would authorize any city, county, or city and county to establish a date by which all residential real property with security window bars on bedroom windows shall meet current state and local requirements for safety release mechanisms on security window bars consistent with applicable standards set forth in existing law. The bill also would provide that disclosures of safety release mechanisms on security window bars shall be made in writing and be included in existing transactional documents, as specified, in accordance with specified provisions of the Civil Code and that enforcement of an ordinance adopted pursuant to these provisions shall not apply as a condition of occupancy or at the time of any transfer that is subject to the Documentary Transfer Tax Act.

This bill would incorporate additional changes in Section 1102.6 of the Civil Code, proposed by AB 3305, to be operative only if AB 3305 and this bill are both chaptered and become effective on or before January 1, 1997, and this bill is chaptered last.

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

SECTION 1. Section 1102.6 of the Civil Code is amended to read:

1102.6. The disclosures required by this article pertaining to the property proposed to be transferred are set forth in, and shall be made on a copy of, the following disclosure form:



NOTE TO PRINTING OFFICE: INSERT CAMERA-READY COPY
HERE

for Real Estate Transfer Disclosure Statement

as printed on pages 2 to 6 of Chapter 817, 1994 Statutes.











SEC. 1.5. Section 1102.6 of the Civil Code is amended to read:

1102.6. The disclosures required by this article pertaining to the property proposed to be transferred are set forth in, and shall be made on a copy of, the following disclosure form:



NOTE TO PRINTING OFFICE: INSERT CAMERA-READY COPY
HERE

for Real Estate Transfer Disclosure Statement













SEC. 2. Section 1102.16 is added to the Civil Code, to read:

1102.16. The disclosure of the existence of any window security bars and any safety release mechanism on those window security bars shall be made pursuant to Section 1102.6 or 1106.6a of the Civil Code.

SEC. 3. Section 17958.4 is added to the Health and Safety Code, to read:

17958.4. (a) Any city, county, or city and county, may, by ordinance, establish a date by which all residential real property with security window bars on bedroom windows shall meet current state and local requirements for safety release mechanisms on security window bars consistent with the applicable standards in the 1995 Edition of the California Building Standards Code, and any changes made by the city, county, or city and county pursuant to Section 17958.

(b) Disclosures of the existence of any safety release mechanism on any security window bar shall be made in writing, and may be included in existing transactional documents including, but not limited to, a real estate sales contract or receipt for deposit, or a transfer disclosure statement pursuant to Section 1102.6 or 1106.6a of the Civil Code.

(c) Enforcement of an ordinance adopted pursuant to subdivision (a) shall not apply as a condition of occupancy or at the time of any transfer that is subject to the Documentary Transfer Tax Act, Part 6.7 (commencing with Section 11901) of the Revenue and Taxation Code.

SEC. 4. This act shall become operative on July 1, 1997.

SEC. 5. Section 1.5 of this bill incorporates amendments to Section 1102.6 of the Civil Code proposed by both this bill and AB 3305. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1997, (2) each bill amends Section 1102.6 of the Civil Code, and (3) this bill is enacted after AB 3305, in which case Section 1 of this bill shall not become operative.

