

AMENDED IN SENATE MAY 1, 1997

SENATE BILL

No. 548

Introduced by Senator Solis

February 24, 1997

An act to ~~amend Section 1941.1 of~~ *add Section 1941.3 to* the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as amended, Solis. ~~Untenantable~~ *Residential* dwellings.

Existing law requires the lessor of a building intended for human occupation to maintain the building in a condition fit for human occupation, absent an agreement in which the lessee undertakes to improve, repair, or maintain all or stipulated portions of the building. Existing law provides that a building is untenable if it lacks prescribed affirmative standard characteristics, such as floors, stairways, and railings maintained in good repair and effective waterproofing and weather protection of roof and exterior walls.

This bill would ~~prescribe additional standard characteristics, including properly installed and maintained lighting for exterior areas adjacent to the dwelling unit and common areas and properly installed and maintained security~~ *require a landlord of a building intended for human habitation, on and after July 1, 1998, to install and maintain locks on doors and windows, as specified, and for buildings with 16 or more units to install specified locks on doors to common areas and to install specified lighting in hallways, parking areas, walkways, stairways, and main entrances.*

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 1941.1 of the Civil Code is~~
2 SECTION 1. Section 1941.3 is added to the Civil Code,
3 to read:
4 1941.3. (a) On and after July 1, 1998, the landlord, or
5 his or her agent, of a building intended for human
6 habitation shall do all of the following:
7 (1) Install and maintain operable deadbolt locks on the
8 exterior doors that provide the closest access to the living
9 areas of a dwelling unit. The deadbolt lock shall be
10 inserted into a hole that is bored into the door and have
11 a bolt that is at least one inch in length. When locked, the
12 bolt shall protrude into the doorframe.
13 (2) Install and maintain operable window locks for
14 windows and sliding glass doors that are designed to be
15 opened. Windows and sliding glass doors that are more
16 than 12 feet vertically or six feet horizontally from the
17 ground, a roof, or any other platform are excluded from
18 this subdivision.
19 (3) Install locking mechanisms that comply with
20 applicable fire and safety codes on the exterior doors that
21 provide ingress or egress to common areas with access to
22 dwelling units in multifamily developments with 16 or
23 more units.
24 (4) In apartment buildings or complexes with 16 or
25 more units, install and maintain incandescent light bulbs
26 with a minimum of 60 watts at a maximum height of eight
27 feet or light that has a minimum average surface
28 illumination of 0.2 footcandles in the hallways, parking
29 areas, walkways to and from parking areas, stairways, and
30 main entrances.
31 (b) The tenant shall be responsible for notifying the
32 owner or his or her authorized agent when the tenant
33 becomes aware of an inoperable deadbolt lock, window
34 lock, or sliding glass door lock to the dwelling unit. The
35 owner or his or her authorized agent shall correct any



1 reported deficiencies in the lock within a reasonable time
2 and shall not be in violation of subdivision (a) before he
3 or she receives notice of a deficiency.

4 (c) On and after January 1, 1998, the rights and
5 remedies of tenant for a violation of this section by the
6 landlord shall include those available pursuant to Sections
7 1942, 1942.4, and 1942.5, an action for breach of contract,
8 and an action for injunctive relief pursuant to Section 526
9 of the Code of Civil Procedure. Additionally, in an
10 unlawful detainer action, after a default in the payment
11 of rent, a tenant may raise the violation of this section as
12 an affirmative defense and shall have a right to the
13 remedies provided by Section 1174.2 of the Code of Civil
14 Procedure.

15 (d) A violation of this section shall not broaden, limit,
16 or otherwise affect the duty of care owed by a landlord
17 pursuant to existing law, including any duty that may
18 exist pursuant to Section 1714. The delayed applicability
19 of the requirements of subdivision (a) shall not affect a
20 landlord's duty to maintain the premises in safe condition.

21 (e) Nothing in this section shall be construed to affect
22 any authority of any public entity that may otherwise
23 exist to impose any additional security requirements
24 upon a landlord.

25 ~~amended to read:~~

26 ~~1941.1. A dwelling shall be deemed untenantable for~~
27 ~~purposes of Section 1941 if it substantially lacks any of the~~
28 ~~following affirmative standard characteristics:~~

29 ~~(a) Effective waterproofing and weather protection of~~
30 ~~roof and exterior walls, including unbroken windows and~~
31 ~~doors.~~

32 ~~(b) Plumbing or gas facilities which conformed to~~
33 ~~applicable law in effect at the time of installation,~~
34 ~~maintained in good working order.~~

35 ~~(c) A water supply approved under applicable law,~~
36 ~~which is under the control of the tenant, capable of~~
37 ~~producing hot and cold running water, or a system which~~
38 ~~is under the control of the landlord, which produces hot~~
39 ~~and cold running water, furnished to appropriate fixtures;~~



1 and connected to a sewage disposal system approved
2 under applicable law.

3 (d) Heating facilities which conformed with
4 applicable law at the time of installation, maintained in
5 good working order.

6 (e) Electrical lighting, with wiring and electrical
7 equipment which conformed with applicable law at the
8 time of installation, maintained in good working order.

9 (f) Building, grounds and appurtenances at the time of
10 the commencement of the lease or rental agreement in
11 every part clean, sanitary, and free from all
12 accumulations of debris, filth, rubbish, garbage, rodents
13 and vermin, and all areas under control of the landlord
14 kept in every part clean, sanitary, and free from all
15 accumulations of debris, filth, rubbish, garbage, rodents,
16 and vermin.

17 (g) An adequate number of appropriate receptacles
18 for garbage and rubbish, in clean condition and good
19 repair at the time of the commencement of the lease or
20 rental agreement, with the landlord providing
21 appropriate serviceable receptacles thereafter, and
22 being responsible for the clean condition and good repair
23 of the receptacles under his or her control.

24 (h) Floors, stairways, and railings maintained in good
25 repair.

26 (i) Properly installed and maintained lighting for
27 exterior areas adjacent to the dwelling unit and in all
28 common areas including, but not limited to, hallways,
29 parking areas, stairways, laundry rooms, and recreation
30 areas.

31 (j) Properly installed and maintained security locks on
32 all windows accessible from the dwelling's exterior,
33 including common areas, and dead bolt locks on all
34 exterior doors of the dwelling.

35 (k) Properly installed and maintained security locks
36 on all common area windows and doors in multiunit
37 buildings of 16 or more dwelling units.

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