

AMENDED IN ASSEMBLY AUGUST 7, 1997

AMENDED IN ASSEMBLY JULY 21, 1997

AMENDED IN ASSEMBLY JULY 10, 1997

AMENDED IN SENATE MAY 20, 1997

AMENDED IN SENATE MAY 1, 1997

**SENATE BILL**

**No. 548**

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**Introduced by Senator Solis**

*(Coauthors: Assembly Members Ortiz and Shelley)*

February 24, 1997

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An act to add Section 1941.3 to the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as amended, Solis. 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 require a landlord of a building intended for human habitation, on and after July 1, 1998, to install and maintain locks on doors and *security or locking devices on*

windows, as specified, and to install specified locks on doors to common areas.

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 1941.3 is added to the Civil Code,  
2 to read:

3 1941.3. (a) On and after July 1, 1998, the landlord, or  
4 his or her agent, of a building intended for human  
5 habitation shall do all of the following:

6 (1) Install and maintain an operable deadbolt lock on  
7 each main swinging entry door of a dwelling unit. The  
8 deadbolt lock shall be installed in conformance with the  
9 manufacturer's specifications and shall comply with  
10 applicable state and local codes including, but not limited  
11 to, those provisions relating to fire and life safety and  
12 accessibility for the disabled. When in the locked position,  
13 the bolt shall extend a minimum of  $\frac{13}{16}$  of an inch in  
14 length beyond the strike edge of the door and protrude  
15 into the ~~door frame~~ *doorjamb*.

16 This section shall not apply to horizontal sliding doors.  
17 Existing deadbolts of at least one-half inch in length shall  
18 satisfy the requirements of this section, ~~but~~. *Existing locks*  
19 *with a thumb-turn deadlock that have a strike plate*  
20 *attached to the doorjamb and a latch bolt that is held in*  
21 *a vertical position by a guard bolt, a plunger, or an*  
22 *auxiliary mechanism shall also satisfy the requirements of*  
23 *this section. These locks, however, shall be replaced with*  
24 ~~one~~ *a deadbolt* at least  $\frac{13}{16}$  of an inch in length the first  
25 time after July 1, 1998, that the lock requires repair or  
26 replacement.

27 Existing doors which cannot be equipped with  
28 deadbolt locks shall satisfy the requirements of this  
29 section if the door is equipped with a metal strap affixed  
30 horizontally across the midsection of the door with a  
31 deadbolt which extends  $\frac{13}{16}$  of an inch in length ~~into the~~  
32 ~~door frame~~ *beyond the strike edge of the door and*  
33 *protrudes into the doorjamb*. Locks and security devices



1 other than those described herein which are inspected  
2 and approved by an appropriate local government  
3 agency as providing adequate security shall satisfy the  
4 requirements of this section.

5 (2) Install and maintain operable window ~~locks~~  
6 *security or locking devices* for windows that are designed  
7 to be opened. Louvered windows, casement windows,  
8 and all windows more than 12 feet vertically or six feet  
9 horizontally from the ground, a roof, or any other  
10 platform are excluded from this subdivision.

11 (3) Install locking mechanisms that comply with  
12 applicable fire and safety codes on the exterior doors that  
13 provide ingress or egress to common areas with access to  
14 dwelling units in multifamily developments ~~more units~~.  
15 This paragraph does not require the installation of a door  
16 or gate where none exists on January 1, 1998.

17 (b) The tenant shall be responsible for notifying the  
18 owner or his or her authorized agent when the tenant  
19 becomes aware of an inoperable deadbolt lock or window  
20 ~~lock~~ *security or locking device* in the dwelling unit. The  
21 landlord, or his or her authorized agent, shall not be liable  
22 for a violation of subdivision (a) unless he or she fails to  
23 correct the violation within a reasonable time after he or  
24 she either has actual notice of a deficiency or receives  
25 notice of a deficiency.

26 (c) On and after July 1, 1998, the rights and remedies  
27 of tenant for a violation of this section by the landlord shall  
28 include those available pursuant to Sections 1942, 1942.4,  
29 and 1942.5, an action for breach of contract, and an action  
30 for injunctive relief pursuant to Section 526 of the Code  
31 of Civil Procedure. Additionally, in an unlawful detainer  
32 action, after a default in the payment of rent, a tenant  
33 may raise the violation of this section as an affirmative  
34 defense and shall have a right to the remedies provided  
35 by Section 1174.2 of the Code of Civil Procedure.

36 (d) A violation of this section shall not broaden, limit,  
37 or otherwise affect the duty of care owed by a landlord  
38 pursuant to existing law, including any duty that may  
39 exist pursuant to Section 1714. The delayed applicability



1 of the requirements of subdivision (a) shall not affect a  
2 landlord's duty to maintain the premises in safe condition.

3 (e) Nothing in this section shall be construed to affect  
4 any authority of any public entity that may otherwise  
5 exist to impose any additional security requirements  
6 upon a landlord.

7 (f) This section shall not apply to any building which  
8 has been designated as historically significant by an  
9 appropriate local, state, or federal governmental  
10 jurisdiction.

11 (g) *This section does not apply to any building*  
12 *managed, directly or indirectly, and controlled by the*  
13 *Department of Transportation.*

