

AMENDED IN ASSEMBLY AUGUST 28, 1997

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

Introduced by Senator Solis

(Coauthors: Assembly Members Ortiz and Shelley)

February 24, 1997

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 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. 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 a deadbolt at least $\frac{13}{16}$ of an inch in length the first time
 25 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 beyond
 32 the strike edge of the door and protrudes into the



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

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

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

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

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

37 (d) A violation of this section shall not broaden, limit,
38 or otherwise affect the duty of care owed by a landlord
39 pursuant to existing law, including any duty that may
40 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.~~

14 (g) Subdivisions (a) and (b) shall not apply to any
15 building intended for human habitation which is
16 managed, directly or indirectly, and controlled by the
17 Department of Transportation. This exemption shall not
18 be construed to affect the duty of the Department of
19 Transportation to maintain the premises of these
20 buildings in a safe condition or abrogate any express or
21 implied statement or promise of the Department of
22 Transportation to provide secure premises. Additionally,
23 this exemption shall not apply to residential dwellings
24 acquired prior to July 1, 1997, by the Department of
25 Transportation to complete construction of state highway
26 routes 710 and 238 and related interchanges.

