Date of Hearing: March 25, 2025

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
Matt Haney, Chair
AB 1684 (Ward) – As Introduced February 2, 2026

SUBJECT: Common interest developments: cooling systems

SUMMARY: Makes any provisions of a homeowners association's (HOA's) governing documents, architectural guidelines, or policies, as well as any deed restrictions for properties in an HOA, null and void if they prevent a homeowner from installing, upgrading, replacing, or using a cooling system in their home. Specifically, **this bill**:

1) Deems any provision of an HOA's governing documents, architectural guidelines, or policies void and unenforceable if the provision prohibits or restricts the installation, upgrade, replacement, or use of a cooling system.

2) Deems void and unenforceable any covenants, restrictions, or conditions in a home's deed, contract, security instrument, or other instrument affecting the transfer or sale of a home in a Common Interest Development (CID) that effectively prohibit or restrict the installation, upgrade, replacement, or use of a cooling system.

3) Forbids an HOA from prohibiting or restricting a member from installing, upgrading, replacing, or using a cooling system in the member's home. r Prohibits the HOA from doing any of the following:

    a) Charging any fees to an HOA member for installing, upgrading, replacing, or using a cooling system;

    b) Requiring an HOA member to use a specific cooling system, type of system, contractor, or product;

    c) Claiming any rebate, credit, or commission associated with an HOA member's cooling system installation, upgrade, replacement, or use; and

    d) Requiring a member to remove a cooling system or preventing the replacement or upgrade of an existing cooling system.

4) Exempts an HOA from the requirements in 3), above, if the HOA determines any of the following:

    a) The installation, upgrade, replacement, or use of the cooling system would violate federal, state, or local law; or

    b) A permit from a designated permitting authority is required to install, upgrade, replace, or use a cooling system, and the permit was not granted to the HOA member.

5) Defines "cooling system" to include, but not be limited to, a portable air-conditioning (AC) unit, a window AC unit, a swamp cooler, any evaporative cooler, a cooling fan system, a heat pump, or any other technology that reasonably creates an internal temperature cooling benefit.

6) Requires a cooling system to meet applicable health and safety standards and requirements imposed by law.

7) Makes an HOA that willfully violates the provisions of this bill liable to the HOA member for actual damages, and for the payment of a civil penalty to the HOA member of up to $2,000.

EXISTING LAW:

1) Establishes the Davis-Stirling Act, providing the legal framework for the creation and management of all CIDs. (Civil Code (CIV) 4000-6150)

2) Declares it is the established policy of the state that all dwelling units be able to attain and maintain a safe maximum indoor temperature, as specified, and provided that it does not expand any obligation of the state to provide a safe maximum indoor temperature or require the expenditure of additional state resources to develop infrastructure beyond the obligations that existing under existing program requirements. (Health and Safety Code (HSC) 17914)

3) Prohibits management or ownership of mobilehome parks from restricting a homeowner′s ability to install a cooling system in their mobilehome, with some exceptions. (CIV 798.44.2, 799.13)

FISCAL EFFECT: Unknown.

COMMENTS:

Author's Statement: According to the author, "By adding air conditioning to the list of protected uses for an HOA member, this bill ensures that a homeowner may install the cooling system of their choice without time consuming paperwork or costly fees. California homeowners deserve to make their own choices regarding heat management, regardless of home type or association membership. Already the deadliest form of extreme weather in the United States, extreme heat is on the rise, with adverse health outcomes disproportionately impacting households without air conditioning. Choosing a cooling system that meets a family's healthcare needs and remains financially feasible not only improves quality of life, but also helps protect vulnerable individuals from preventable heat-related illness."

Common Interest Developments: There are over 50,000 CIDs in the state, ranging in size from three to 27,000 units, with the average CID having 286 residents. CIDs make up roughly 4.7 million housing units, and 36% of Californians (over 14 million Californians) live in a CID. These rates are even higher for homeowners, with approximately 65% of homeowners living in a CID. CIDs include condominiums, community apartment projects, housing cooperatives, and planned unit developments. They are characterized by a separate ownership of dwelling space coupled with an undivided interest in a common property, restricted by covenants and conditions that limit the use of common area, and the separate ownership interests and the management of common property and enforcement of restrictions by an HOA. CIDs are governed by the Davis-Stirling Common Interest Development Act (the Act) as well as the governing documents of the association, including bylaws, declaration, and operating rules.

Davis-Stirling Common Interest Development Act: The Act went into effect in 1986 and is the primary body of law governing CIDs in California. The Act provides the legal framework for the

creation and management of HOAs, including rules related to governance, assessments, dispute resolution, maintenance responsibilities, and member rights. The Act aims to balance the authority of HOAs with the rights of individual property owners, ensuring that communities are managed efficiently and fairly.

Over time, the Act has been amended to address the evolving needs of CIDs and to increase transparency, accountability, and consumer protection. Key provisions include requirements for open meetings, financial disclosures, election procedures, and architectural review processes. The Act also provides mechanisms for resolving disputes, including internal dispute resolution and alternative dispute resolution, before certain legal actions can proceed. As CIDs continue to represent a significant portion of California's housing stock, the Act plays a critical role in shaping the living environment and governance of millions of residents across the state.

Extreme Heat and Residential Indoor Temperature Challenges: While current law generally provides for the right to heat in housing units during times of extreme cold, it does not guarantee indoor cooling during heat events. Heat exposure can cause a variety of health impacts, including heat cramps, heat exhaustion, heat stroke, exacerbation of respiratory illnesses, and can even lead to death. In fact, heat causes more reported deaths per year on average in the US than any other weather hazard.[1] A heat wave in 2006 led to 140 deaths, as well as 16,000 more emergency room visits and 1,100 more hospitalizations, as compared to similar time periods without a heat wave. The California Department of Public Health in 2023 reported 395 excess deaths in California during a 10-day heat wave in September 2022. Due to climate change, this extreme weather will become more common. The California Fourth Climate Change Assessment estimates that by 2050, urban heat-related deaths could double or triple due to rising temperatures. In addition, lower-income communities in the state tend to be hotter than wealthier communities, and California metro areas have a larger temperature disparity between their poorest and wealthiest areas than any other state in the southwest.[2,3]

Recent Efforts to Establish a Cooling Standard: In 2022, AB 2597 (Bloom) would have required the Department of Housing and Community Development (HCD) to develop, propose, and submit mandatory building standards for adequate residential cooling for both new and existing units. AB 2597 was held by the author in the Senate Housing Committee, due to concerns about placing onerous requirements on housing providers, circumventing the state regulatory process for building code adoption, and placing significant challenges on the electric grid due to more air conditioners running during peak energy demand times and during hot weather in general.

Stemming from that conversation, legislation enacted as part of the budget agreement that year (AB 209, Committee on Budget) included a provision requiring HCD to provide recommendations to the Legislature by January 1, 2025, to help ensure that residential dwelling units can maintain a safe indoor temperature. As required by AB 209, HCD released its report in 2025, "Policy Recommendations: Recommended Maximum Safe Indoor Temperature." The report recommends that the state consider a general maximum safe indoor air temperature of 82 degrees Fahrenheit for residential dwelling units, to be implemented by methods including

---

[1] https://oehha.ca.gov/media/epic/downloads/19humanhealth_14jan2019.pdf
[2] https://www.latimes.com/california/story/2021-10-28/extreme-heat-built-environment-equity
[3] Dialesandro, John; et al. *Dimension of thermal Inequity: Neighborhood Social Demographics and Urban Heat in the Southwestern U.S.* (Int. J. Environ. Res. Public Health, 2021). https://www.mdpi.com/1660-4601/18/3/941

building standards for newly constructed residential dwelling units, and/or incentive programs for retrofitting existing residential dwelling units, manufactured homes, and mobilehomes.[4]

In 2025, after the release of HCD's Safe Indoor Temperature Policy Recommendations, the legislature enacted two additional bills related to safe indoor air temperatures. SB 655, (Stern), Chapter 522, Statutes of 2025, declared that it is state policy that all residential dwelling units shall be able to attain and maintain a safe maximum indoor temperature. It directed relevant state agencies to consider this safe maximum indoor temperature policy when revising or establishing programs, grant criteria, and regulations, with the regulatory requirement taking effect January 1, 2027. Notably, SB 655 did not expand any state obligation to provide a safe maximum indoor temperature or require additional infrastructure spending.

The second bill passed in 2025, AB 806 (Connolly), Chapter 343, Statutes of 2025, was substantially similar to this bill, but applied to mobilehomes rather than units in a CID. AB 806 prohibited any rental agreement, covenant, or other instrument in a mobilehome park, subdivision, cooperative, condominium, or resident-owned mobilehome park from restricting or prohibiting a homeowner or resident from installing, upgrading, replacing, or using a cooling system in their mobilehome. The park management or ownership is prohibited from charging fees, requiring the use of specific products or contractors, claiming any rebates or commissions associated with the installation or upgrade, or requiring the removal of the cooling systems. AB 806 also prohibited mobilehome management or ownership from terminating any homeowner or resident's tenancy on the basis of cooling system installation or use.

The provisions of AB 806 do not apply if the installation of a cooling system would violate any federal, state, or local laws, for example, if a permit is required for the scope of work but not granted, or if the lot's power service cannot accommodate the amperage required to operate the new cooling system. Cooling systems are broadly defined to include portable or window AC units, evaporative coolers, fans, heat pumps, or any technology that creates an internal cooling benefit. Willful violations of the provisions of AB 806 parks carry liability for actual damages plus a civil penalty up to $2,000, and prevailing parties in enforcement actions are entitled to attorney's fees.

This Bill: This bill applies the aforementioned framework of AB 806 (Connolly) to homes in HOAs. It voids any provision in HOA governing documents, architectural guidelines, property deeds, homeownership contracts, or other instruments that restrict a homeowner in an HOA from installing, upgrading, replacing, or using a cooling system in their home. Under this bill, HOAs may not charge fees, require homeowners to use specific products or contractors, claim rebates or commissions from the cooling system installation, or require removal of cooling systems. Exceptions apply if the installation would violate any federal, state, or local law, or if a permit is required for the installation or use of the cooling system but is not granted. Willful violations carry liability for actual damages plus a civil penalty up to $2,000.

There are two notable differences between this bill and AB 806. This bill omits the amperage/power service exception to installation that AB 806 includes, and, unlike AB 806, it does not contain an attorney's fees provision for prevailing parties in enforcement actions.

---

[4] Department of Housing and Community Development, *Policy Recommendations: Recommended Maximum Indoor Air Temperature*

When comparing the provisions of existing law for mobilehomes established in AB 806 to this bill, the Committee may wish to consider the differences between mobilehome parks and CIDs. Mobilehome residents often rent the land beneath their home while owning the structure itself, creating a landlord-tenant dynamic where management has direct economic leverage over residents. Mobilehomes are not truly mobile, in that it is often cost-prohibitive to relocate them. The cost to move a mobilehome ranges from thousands to tens of thousands of dollars, depending on the size of the home and the distance traveled. A mobilehome owner whose home is located in a mobilehome park does not own the land the unit sits on and must pay rent and fees for the land and any community spaces. This makes cooling system restrictions particularly consequential, as residents cannot simply move their home without significant cost. This dynamic is reflected in AB 806, which includes protections like the amperage exception to cooling system installation, addressing the practical reality that mobilehome park infrastructure is controlled by management, not residents.

HOA-governed properties encompass several distinct ownership typologies. In a single-family home HOA, the owner typically holds title to both the structure and the land, meaning cooling system installation is largely an interior matter, with HOA restrictions more likely to stem from aesthetic rules pertaining to exterior appearance or noise considerations. In a townhome, the owner generally holds title to the structure but shares walls with neighbors, making exterior modifications like window units potentially subject to shared-wall, common area, or architectural considerations. In a condominium, an owner may hold title only to the unit's interior airspace, with exterior walls, roofs, and common areas owned collectively by the association, meaning installation of certain cooling systems requiring exterior penetration may directly implicate common area governance.

Across all unit typologies, HOA restrictions on cooling systems may derive from aesthetic or architectural uniformity standards established in governing documents, which members have the ability to amend through the association's internal processes. An HOA may also impose limitations on residents installing cooling systems based on noise considerations, or may require owners to install certain types of cooling systems over others. Unlike mobilehome parks, where electrical infrastructure is often owned and controlled by park management, and residents may be submetered, homeowners in most HOA-governed single-family developments typically have a direct relationship with the electric utility and control the electrical panel serving their unit. While some condominium developments have master-metered or shared electrical systems controlled by the HOA, installations in those buildings would generally remain subject to applicable permitting requirements and building code provisions.

Arguments in Support: The Climate Action California writes in support: “California is on the frontline of the anthropogenic climate crisis. As global average temperatures rise, our state faces increasingly severe heat waves, which pose significant risks to human health and safety. It is both probable and predictable that these extreme heat events will result in a surge of heat-related illnesses, sending many vulnerable Californians to the hospital and causing life-threatening conditions for countless residents. Heat waves are the deadliest form of extreme weather in the United States today.

Having a functioning air conditioning unit at home is the most effective defense against heat-related illness. For vulnerable populations—such as seniors, children, and people with respiratory conditions—air conditioning is not a luxury, but a medical necessity. This is

particularly true in buildings with poor insulation, where high indoor temperatures can quickly create hazardous, even deadly, environments.

Under AB 1684, no residents' association will be permitted to build restrictions, covenants, or fees directed at cooling systems into its governing documents, or ban specific types of cooling systems. This bill will allow families to select the cooling system that best fits their healthcare needs and financial situation."

Arguments in Opposition: The California Associations Institute's Legislative Action Committee writes in an oppose unless amended position: "While we appreciate the intent to ensure homeowners may install, upgrade, or replace cooling systems within their separate interest, the bill as drafted significantly limits an association's ability to protect common areas, structural integrity, and neighboring units. It also exposes associations to actual damages and civil penalties up to $2,000 for willful violations, without clearly preserving reasonable oversight authority.

To strike the appropriate balance, we respectfully request amendments to:

- Clarify that reasonable restrictions are permitted when they do not significantly increase cost or decrease efficiency and are imposed to address legitimate concerns such as aesthetics, placements, noise, safety, structural integrity, waterproofing, electrical capacity, or protections of the common area.

- Preserve association's authority to require reasonable architectural approval and compliance with applicable building, health, safety and permit requirements.

- Confirm that the installing homeowner is responsible for all installation, maintenance, and repair cost; any damage to common areas or other units; providing reasonable indemnity; and maintaining adequate insurance when the installation poses a material risk.

- Allow associations to recover reasonable, actual costs for architectural review and related administrative processing."

Related Legislation:

SB 655 (Stern), Chapter 522, Statutes of 2025 declared it is the established policy of the state that all dwelling units be able to attain and maintain a safe maximum indoor temperature, as specified, and provided that it does not expand any obligation of the state to provide a safe maximum indoor temperature or require the expenditure of additional state resources to develop infrastructure beyond the obligations that existing under existing program requirements.

AB 806 (Connolly), Chapter 343, Statutes of 2025 prohibited management or ownership of mobilehome parks from restricting a homeowner′s ability to install a cooling system in their mobilehome, with some exceptions.

AB 209 (Committee on Budget), Chapter 251, Statutes of 2022 required HCD to submit policy recommendations to the Legislature by January 1, 2025 to help ensure that residential dwelling units can maintain safe indoor temperature, as specified.

AB 2597 (Bloom) of 2022 would have required HCD to develop, propose, and submit to the CBSC mandatory standards for adequate residential cooling for both new and existing residential dwelling units. This bill died pending a hearing in the Senate Housing Committee.

Double-Referred: This bill was also referred to the Assembly Committee on Judiciary where it will be heard should it pass out of this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
Cleanearth4kids.org
Climate Action California
Marin Clean Energy
Serving Seniors

Opposition

Oppose Unless Amended

Community Associations Institute - California Legislative Action Committee

Analysis Prepared by: Dori Ganetsos / H. & C.D. / (916) 319-2085