Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1684 (Ward) – As Amended April 22, 2026

SUBJECT: COMMON INTEREST DEVELOPMENTS: COOLING SYSTEMS

KEY ISSUE: SHOULD HOMEOWNER ASSOCIATIONS, GENERALLY, BE PROHIBITED FROM RESTRICTING A HOMEOWNER FROM INSTALLING A COOLING SYSTEM FOR THEIR SEPARATE INTEREST?

SYNOPSIS

As the impacts of climate change worsen, it seems as if each California summer is hotter than the last. Even coastal areas of the state that traditionally could avoid needing supplemental cooling systems now experience weeks of significant and potentially dangerous heat. Accordingly, in 2022, the Legislature directed the Department of Housing and Community Development to study how to make California's residential buildings more resilient to extreme heat with the passage of AB 209 (Committee on Budget) Chap. 251, Stats. 2022. Of note, the Department's report suggested that California limit the maximum temperature inside of residential buildings to 82 degrees Fahrenheit. However, the author and proponents of this bill note that several areas of existing law impede homeowner's ability to meet the state's goals, including provisions of existing law that enable homeowner associations to veto the installation of cooling systems by its members.

Accordingly, this bill restricts the ability for a common interest development's CC&Rs as well as any architectural guidelines or other policies adopted by a homeowner association's board from prohibiting the installation of a cooling system at a member's home. The bill does make several exemptions to ensure that cooling systems are properly permitted and comply with other standards of the building code. The bill also prohibits a homeowner association from mandating that a homeowner install specific brands of equipment or to remit any rebates related to the system to the association. This bill imposes civil liability on non-compliant homeowner associations.

This author-sponsored measure is supported by a coalition of landlords, tenants, and environmentalists. The proponents of the bill note that limiting a homeowner association's power to block the installation of critical cooling systems will save lives during prolonged heat waves. This bill is opposed, unless amended, by the Community Associations Institute - California Legislative Action Committee and one individual homeowner association. The opposition argues the bill is overbroad and inhibits an association's ability to carry out its legal obligations to protect and maintain community common areas. This bill was previously heard and approved by the Committee on Housing and Community Development by a vote of eleven to zero.

SUMMARY: Specifies that a homeowner association cannot prohibit or restrict a member from installing a cooling system, as specified. Specifically, **this bill**:

1) Provides, notwithstanding any other law, that any provision of the governing documents, architectural guidelines, or policies of a common interest development are void and

unenforceable if the provision prohibits or restricts the installation, upgrade, replacement, or use of a cooling system, so long as the system complies with all applicable state and local building codes.

2) Provides that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, that effectively prohibits or restricts the installation, upgrade, replacement, or use of a cooling system is void and unenforceable.

3) Prohibits a homeowner association from doing any of the following:

   a) Charging any fee to a member in connection with the installation, upgrade, replacement, or use of a cooling system;

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

   c) Claiming to receive any rebate, credit, or commission in connection with a member's installation, upgrade, replacement, or use of a cooling system; and

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

4) Provides that the prohibitions of 1) through 3) do not apply if the association can establish 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 for the installation, upgrade, replacement, or use of the cooling system, and that permit is not granted.

5) Defines a "cooling system" to include a portable air-conditioning unit, a window air-conditioning unit, a swamp cooler or any evaporative cooler, a cooling fan system, a heat pump, or any other technology that reasonably creates an internal temperature cooling benefit.

6) Provides that nothing in the bill is to be construed to limit or restrict the ability of an association to require a member whose installation, upgrade, replacement, or use of a cooling system affects the common area or an exclusive use common area to be responsible for the repair of any damage to the common area or an exclusive use common area, or to another member's separate interest, that is caused by the installation, operation, maintenance, or removal of that cooling system.

7) Provides that a homeowner association that willfully violates the provisions of this bill is liable to the member for actual damages occasioned thereby, and to pay a civil penalty to the member in an amount not to exceed two thousand dollars ($2,000).

8) Authorizes a prevailing member in an action brought pursuant to 7) to recover reasonable attorneys fees and costs.

EXISTING LAW:

1) Establishes the Davis-Stirling Common Interest Development Act and provides for the rules and regulations governing the operation of a residential common interest development and the respective rights and duties of the homeowner association and its members. (Civil Code Section 4000 *et seq*.)

2) Requires a homeowner association's board of directors to cause to be conducted, at least once every three years, a reasonably competent and diligent visual inspection of the accessible areas of the major components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development. (Civil Code Section 5550.)

3) Requires a homeowner association's board of a condominium project with buildings containing three or more multifamily units to cause a reasonably competent and diligent visual inspection to be conducted by a licensed structural engineer or architect of a random and statistically significant sample of the exterior elevated elements of the common interest for which the association has maintenance or repair responsibility. (Civil Code Section 5551 (b).)

4) Specifies that a homeowner association cannot do any of the following:

    a) Prohibit a member from displaying the flag of the United States by a member on or in the member's separate interest or within the member's exclusive use common area (Civil Code Section 4705);

    b) Prohibit a member from displaying of one or more religious items on the entry door or entry door frame of the member's separate interest (Civil Code Section 4706);

    c) Prohibit a member from posting or displaying of noncommercial signs, posters, flags, or banners on or in a member's separate interest, except as required for the protection of public health or safety or if the posting or display would violate a local, state, or federal law (Civil Code Section 4710);

    d) Prohibit the owner of a separate interest within a common interest development from keeping at least one pet within the common interest development, as specified (Civil Code Section 4715);

    e) Mandating a member install or repair a roof in a manner that is in violation of the Health and Safety Code or specified regulations promulgated by the Department of Forestry and Fire Protection (Civil Code Section 4720);

    f) Prohibit or restrict a member from installing or using a video or television antenna, including a satellite dish, as specified (Civil Code Section 4725);

    g) Arbitrarily or unreasonably restrict a member's ability to market the owner's interest in a common interest development (Civil Code Section 4730); and

    h) Enforce certain landscape watering or property washing requirements during a declared drought. (Civil Code Section 4735 & 4736.)

5) Provides that any covenant, restriction, or condition contained in any rental agreement or other instrument affecting the tenancy of a homeowner or resident in a mobilehome park that effectively prohibits or restricts the installation, upgrade, replacement, or use of a cooling system in a mobilehome is void and unenforceable. (Civil Code Section 798.44.2.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: As the impacts of climate change worsen, even temperate regions of California now experience days of extreme heat. While air conditioning was long considered a luxury, as the state's average temperatures increase, refuge from the heat now can be a matter of life and death. However, too many Californians still lack access to meaningful cooling in their own homes. Building on prior legislative efforts to ensure that needless restrictions do not expose Californians to dangerous temperatures, this bill would prevent a homeowner association from stopping a member from installing a cooling system in their home. In support of this bill, the author states:

> 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. 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.

High temperatures can be a matter of life and death. Following several hot and dry summers across California, in 2002, the Legislature enacted AB 209 (Committee on Budget) Chap. 251, Stats. 2022. That measure, the budget trailer bill on energy and climate issues, included a section that required the Department of Housing and Community Development to develop policy recommendations to ensure that all residential dwelling units in the state maintain a maximum safe indoor temperature and to report these recommendations to the Legislature on or before January 1, 2025. The recommendations were to take into account the state climate goals, the extreme heat plan, regional temperature differences, and various methods for reducing indoor air temperatures, including, but not limited to, technical feasibility, building and site electrical system limitations, cost barriers, electric utility capacity limitations, state and federal statutory requirements, and other relevant factors. The Department of Housing and Community Development's final report came out in February 2025. (Department of Housing and Community Development, *Policy Recommendations: Recommended Maximum Safe Indoor Temperature,* Report to the Legislature, February 2025.) The report recommended that the state "consider a general maximum temperature of 82 degrees Fahrenheit (27.8 degrees Celsius) for residential dwelling units." The report also stated that the methods used to implement this policy recommendation "may include building standards for newly constructed residential dwelling units and/or incentive programs for retrofitting existing residential dwelling units."

Following the recommendations contained in the Department of Housing and Community Development's report, last year the Legislature enacted AB 806 (Connolly) Chap. 343, Stats. 2025, which permitted the owner of a mobile home to install cooling systems notwithstanding the mobile home park's rules against such systems. That bill provided some conditions on the type of cooling device that may be installed, most notably that the device be compatible with the local building codes and the amperage levels provided to the mobile home park.

The proponents of this bill note that while the governing structure of a mobile home park and homeowner association are different, both living situations may give rise to occurrences whereby a homeowner wishes to install a cooling system but another, non-governmental, entity may be able to block such actions. Although homeowners in common interest developments own their separate interest outright, as opposed to renting a space from a park owner, the notoriously strict covenants, conditions, or restrictions (CC&Rs) imposed on homeowner association members may nonetheless result in homeowners being unable to install vital cooling systems.

Background on homeowner association governance. There are approximately 50,000 common interest developments in California. They vary in size and structure, but generally are characterized by the following: (1) separate ownership of individual residential units coupled with an undivided interest in common property; (2) CC&Rs that limit the use of both separate interests and common property; and (3) management of common property and enforcement of restrictions by a homeowner association.

Governance of these developments and the homeowner associations that make up their governing bodies is regulated under the Davis-Stirling Act (Civil Code Section 1350 *et seq*.), which sets forth general rules governing common interest developments. Beyond the overarching state law, each individual association is also subject to specific rules and regulations set forth by the association's "governing documents." These governing documents include the recorded declaration and any other documents, such as bylaws, operating rules of the association, or articles of incorporation that govern the operation of the association. Homeowner associations are governed by volunteer boards of directors who are elected by the members of the association and who are responsible for interpreting the governing documents and state law.

One notorious aspect of many homeowner association CC&Rs or board policies include "aesthetic" requirements. While some of these requirements, including maintaining a tidy yard and following building codes, are reasonable, others can be particularly onerous. Some homeowner associations limit the color of paint that can be used for the exterior of a home, dictate the type of numbering for exterior street addresses, and provide specifications for member's mailboxes. Most homeowner associations also require homeowners to receive association permission before conducting any construction or repair work on the exterior of the home. Accordingly, if the board of a homeowner association wanted to block the installation of a cooling system, there are several legal avenues by which the board may do so.

This bill ensures homeowners governed by a homeowner association can install adequate cooling systems. This bill would prohibit a common interest development's CC&Rs as well as any architectural guidelines or other policies adopted by a homeowner association's board from prohibiting the installation of a cooling system at one's home. Recognizing that cooling systems represent a variety of equipment types, this bill does require a cooling system to meet applicable building codes and otherwise applicable state and local laws (for example environmental standards). The bill also requires the property owner to obtain all necessary permits for the system. These provisions ensure that an association retains the ability to deny a cooling system that may harm other residents, for example a high-wattage system that may not be compliant with a condominium building's electrical system. Additionally, the bill requires the homeowner to be responsible for any damage to the association's common area, or to another member's separate interest, that is caused by the installation, operation, maintenance, or removal of the cooling system. The bill also prohibits the association from requiring a homeowner to pay additional fees to install a system, forcing a homeowner to remit any rebates related to the

system to the association, or mandating that only specified branded systems be installed (so long as the system complies with the building code provisions discussed above). Finally, the bill authorizes a homeowner to seek damages and civil penalties from any association that violates this bill, and if the homeowner prevails entitles the homeowner to reasonable attorney's costs and fees

***ARGUMENTS IN SUPPORT**:* This author-sponsored bill stems from the real-life issues of several constituents. The bill enjoys support from a somewhat unique coalition of landlords, tenant advocates, and environmental organizations. In support of the bill the California Apartment Association writes:

> Approximately 65% of Californians live in a homeowners association (HOA), and many of the individuals and families who live in an HOA are renters. HOA's often restrict the kind of cooling system a homeowner may install for themselves or their tenants, such as banning visible window-mounted units. Based on their home layout, financial resources, or health conditions, a homeowner may have a valid preference for a certain kind of cooling system. Currently, if an HOA homeowner is denied their preferred cooling system, the owner's only recourse is to pursue legal action that would likely cost more than the cooling system itself. AB 1684 would prohibit such arbitrary and unnecessary denials.

Similarly, representing California's renters, the California Rural Legal Assistance Foundation writes:

> With extreme heat on the rise, the health risks from heat are higher than ever, especially for vulnerable populations like children, older adults, and people with respiratory illnesses. Working air conditioning is a strong protective factor against illness and mortality during a heat wave, which is the deadliest form of extreme weather in the United States today.

Under AB 1684, no HOA will be permitted to include restrictions and fees on air conditioning use in its governing documents, including banning specific models like visible window units. Aesthetic concerns should not take precedence over homeowner health and safety.

***ARGUMENTS IN OPPOSITION**:* This bill is opposed, unless amended, by the Community Associations Institute - California Legislative Action Committee, on behalf of California's homeowner association boards as well as an individual association. In opposition to the bill, the Community Associations Institute writes:

> This bill would make any provision of the 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.
>
> 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.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
California Rural Legal Assistance Foundation, Inc.
Cleanearth4kids.org
Climate Action California
Marin Clean Energy
Serving Seniors

Opposition

Community Associations Institute - California Legislative Action Committee
Peninsula Place Homeowners Association

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