

ASSEMBLY THIRD READING

AB 1684 (Ward)

As Amended April 22, 2026

Majority vote

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 that complies with all applicable state and local building codes in their home.

Major Provisions

- 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 that complies with all applicable state and local building codes.
- 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) Provides that nothing in this bill shall be construed to limit or restrict the ability of an HOA to require an HOA 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 HOA member's separate interest, that is caused by the installation, operation, maintenance, or removal of that cooling system.
- 8) 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.
- 9) Provides that, notwithstanding any other law, an HOA member who prevails in a civil action to enforce the HOA member's rights pursuant to this bill shall be entitled to reasonable attorney's fees and court costs.

COMMENTS

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. 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 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

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>

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

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.

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 that complies with state and local building codes 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. This bill provides that nothing in it shall be construed to limit or restrict the ability of an HOA 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 HOA member's separate interest, that is caused by the installation, operation, maintenance, or removal of that cooling system. Willful violations carry liability for actual damages plus a civil penalty up to \$2,000, and the HOA member who prevails in a civil action is eligible for attorney's fees.

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."

Arguments in Support

The California Apartment Association writes in support: "As you know, approximately 65% of Californians live in a homeowner's 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."

Arguments in Opposition

The Community Associations Institute's California Legislative Action Committee (CAI-CLAC) writes in an oppose unless amended position: "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.
- Require the installing homeowner to provide reasonable indemnity and maintain adequate insurance when the installation poses a material risk.
- Allow associations to recover reasonable, actual costs for architectural review and related administrative processing."

FISCAL COMMENTS

None.

VOTES

ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-0-1

YES: Haney, Patterson, Ávila Farías, Caloza, Garcia, Kalra, Lee, Quirk-Silva, Ta, Wicks, Wilson

ABS, ABST OR NV: Tangipa

ASM JUDICIARY: 12-0-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Johnson, Pacheco, Papan, Sanchez, Lee, Zbur

UPDATED

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