SENATE COMMITTEE ON HOUSING
Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No:	AB 1684	**Hearing Date:**	6/16/2026
Author:	Ward		
Version:	4/22/2026 Amended		
Urgency:	No	**Fiscal:**	No
Consultant:	Ryan Hardmeyer		

SUBJECT: Common interest developments: cooling systems

DIGEST: This bill renders a homeowner's association's (HOA) governing documents, architectural guidelines, and/or policies void and unenforceable if any provision prohibits or restricts the installation, upgrade, replacement, or use of a cooling system that complies with all applicable state and local building codes in any separate interest within the common interest development (CID).

ANALYSIS:

Existing law:

1) Establishes the Davis-Stirling Act (Act) to govern the creation and operation of CIDs and the HOAs that govern them.

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 existing obligations.

3) Renders any covenant, condition, or restriction (CC&R) contained in any rental agreement or other instrument affecting the tenancy of a homeowner or resident in a mobilehome park void and unenforceable, if the mobilehome park prohibits or restricts a mobilehome owner or resident from installing, upgrading, replacing, or using a cooling system in their mobilehome.

This bill:

1) Renders an HOA's governing documents, architectural guidelines, and/or policies void and unenforceable if any provision within them prohibits or

restricts the installation, upgrade, replacement, or use of a cooling system in a separate interest that complies with all applicable state and local building codes.

2) Subject to 3), prohibits an HOA from doing any of the following:

   a) Charge any fee to a member in connection with the installation, upgrade, replacement, or use of a cooling system, as specified.

   b) Require a member to use a specific cooling system, type of cooling system, or cooling system contractor or product.

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

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

3) Provides 2) shall not apply if the association establishes either of the following:

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

   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.

4) Specifies that "cooling system" may include, but is not limited to, 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. Requires a cooling system meet applicable standards and requirements imposed by law.

5) Clarifies that none of this section 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 member's separate interest, that is caused by the installation, operation, maintenance, or removal of that cooling system.

6) Provides that an HOA that willfully violates this section shall be liable to the member for actual damages occasioned thereby, and shall pay a civil penalty to the member in an amount not to exceed $2,000.

7) Provides, notwithstanding any other law, a member who prevails in a civil action to enforce the member's rights pursuant to this section shall be entitled to reasonable attorney's fees and court costs.

Background

Davis-Stirling Act. The Act went into effect in 1986 and is the primary state law governing CIDs and HOAs 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 law 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 HOAs, including increased transparency, accountability, and consumer protections. Key provisions of the Act 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 the majority of new housing construction in California is part of an HOA, the Act plays a critical role in shaping the environment and governance of these communities and the tens of millions of residents who reside in them.

Comments

1) *Author's statement.* "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."

2) *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 U.S. 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. In 2023, the California Department of Public Health 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]

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

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[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*

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 and manufactured homes rather than separate interests 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 (*e.g.,* 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 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.

4) *Cooling System Installations in HOAs.* Ultimately, the series of laws discussed in Comment 3 established a framework from which this bill was developed. This bill would render an HOA's governing documents, architectural guidelines, and/or policies null and void if they contain provisions prohibiting or restricting the installation, upgrade, replacement, or use of a cooling system that meets specified conditions. This is intended to ensure that associations do not impose onerous requirements on cooling systems. 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.

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. While most of the cooling systems described by the bill would not require a permit, some will, including heat pumps. For those systems, an HOA would maintain the ability to prohibit or restrict such an installation if the proper permits are not acquired. This could help ensure that more complex cooling systems are accompanied by more advanced oversight and address concerns surrounding impact of such installations on the electrical system.

5) *Committee Amendments.* **Due to timing, the author has requested the following amendments be accepted as committee amendments:**

   a) Clarify that successive owners, not just current owners, of a separate interest in which a cooling system was installed may also be held responsible by the HOA for damages to the common area or another separate interest resulting from the cooling system.

   b) Provide that nothing shall be construed to limit or restrict an HOA's ability to require an owner of a separate interest to engage a licensed electrical contractor to install, maintain, or repair the system.

      i) Clarify the above provision does not apply to any cooling system that does not require a local building permit.

   c) Provide that nothing shall be construed to limit or restrict an HOA's ability to require an owner of a separate interest to disclose to prospective buyers of the separate interest the existence of the cooling system and related responsibilities of the owner under this section.

   d) Clarify the grounds for an HOA prohibiting or restricting a separate interest owner's installation of a cooling system may include an electrical permit that was required, but not granted.

6) *Opposition.* The primary concerns raised by those writing in opposition are related to whether aging electrical systems in HOAs will be able to handle new cooling systems being installed and whether costs associated with upgrading those systems will be borne by the installer or the entire association.

7) *Double-referred.* This bill is also referred to the Senate Judiciary Committee.

Related/Prior Legislation

SB 222 (Wiener) — would prohibit HOAs from denying approval of heat pump HVAC systems and heat pump water heaters. Would require specified streamlining of local permitting for residential heat pump systems. *This bill is pending in the Assembly Housing & Community Development Committee.*

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.

AB 2597 (Bloom, 2022) — would have required HCD to develop, propose, and submit to the California Building Standards Commission 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.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 10th, 2026.)

SUPPORT:

California Apartment Association
Marin Clean Energy (MCE)

OPPOSITION:

California Association of Realtors
CAI-CLAC

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