

CONCURRENCE IN SENATE AMENDMENTS

AB 1684 (Ward)

As Amended August 6, 2026

Majority vote

SUMMARY

Prohibits a homeowners' association (HOA) from prohibiting or restricting a member of the HOA from installing, upgrading, replacing, or using a cooling system, as defined, in the member's separate interest, with exceptions, and makes void and unenforceable any provision of governing documents or architectural guidelines that restrict or prohibit the installation, upgrade, replacement, or use of a cooling system that complies with applicable state and local building codes.

Senate Amendments

- 1) Specify that an HOA may require a member whose installation, upgrade, replacement, or use of a cooling system affects the common area or an exclusive use common area, or any successor to that member's separate interest, to do any of the following:
 - a) Engage a licensed contractor to install, maintain, and repair the cooling system when a local building permit is required; and
 - b) Disclose to prospective buyers of the separate interest the existence of the cooling system and related responsibilities of the owner.
- 2) Make other clarifying, technical changes.

COMMENTS

Common Interest Developments (CIDs): 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.

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, Chapter 251, Statutes of 2022) 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.¹

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.

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. Choosing a cooling system that meets a family's healthcare needs and remains financially feasible not only improves

¹ Department of Housing and Community Development, *Policy Recommendations: Recommended Maximum Indoor Air Temperature*

quality of life, but also helps protect vulnerable individuals from preventable heat-related illness."

Arguments in Support

According to the California Apartment Association, "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

According to the Community Associations Institute's California Legislative Action Committee (CAI-CLAC), "Our outstanding issues remains with the fact that many associations in the state are 20 years and older and may not have the electrical capacity to handle multiple requests for owners to install air conditioning systems. If that occurs, the bill is not clear on what happens next. Is it the association's responsibility to improve the electrical capacity? If yes, how will that be addressed? If yes, is it fair to impose additional costs on all homeowners due to the request of only one? These are real world issues that associations will be dealing with, if this bill is signed into law without further clarification. It is for these reasons, is opposed unless amended to AB 1684."

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

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

ASSEMBLY FLOOR: 74-0-6

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Bennett, Caloza, Chen, Hart, Tangipa

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Blakespear, Limón

UPDATED

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