

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1684 (Ward)
Version: June 18, 2026
Hearing Date: June 23, 2026
Fiscal: No
Urgency: No
ID

SUBJECT

Common interest developments: cooling systems

DIGEST

This bill makes void and unenforceable any provision of a common interest development's governing documents, architectural guidelines, policies, or covenants, conditions, or restrictions that effectively prohibit or restrict the installation, upgrade, replacement, or use of a cooling system, and prohibits a homeowners' association from taking specified actions and from prohibiting or restricting a member from installing, upgrading, replacing, or using a cooling system, as specified.

EXECUTIVE SUMMARY

Extreme heat poses serious health risks to Californians, and the incidences of high temperatures and extreme heat have been increasing every year. Common Interest Developments (CIDs) are self-governing housing developments comprised of individually-owned housing units and common space that all homeowners and residents of the CID can enjoy. CIDs are managed and governed by homeowner associations (HOAs), of which every owner within the CID is a member. According to the author, many HOAs limit or outright prohibit homeowners from installing cooling systems in their homes. AB 1684 aims to ensure that all HOA homeowners can install and use a cooling system of their choice in their unit by making void and unenforceable any provision of the HOA's governing documents that effectively prohibit or restrict the installation, upgrade, replacement, or use of a cooling system. It also prohibits the HOA from effectively prohibiting or restricting the installation or use of a cooling system, and prohibits the HOA from doing other specific actions related to the installation or use of a cooling system, though it permits an HOA to require the homeowner to be responsible for the repair of any damage to the common area, the exclusive use common area, or a separate interest in certain circumstances. AB 1684 makes an HOA that violates its provisions liable for actual damages, a \$2,000 civil penalty, and a prevailing member's reasonable attorney's fees and court costs.

AB 1684 is author-sponsored, and is supported by Marin Clean Energy and the California Apartment Association. It is opposed by the California Associations Institute – California Legislative Action Committee and the Peninsula Place Homeowners Association. It previously passed out of the Senate Housing Committee by a vote of 9 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Davis-Stirling Common Interest Development Act, providing rules and regulations governing the establishment and operation of residential common interest developments (CIDs) and the rights and responsibilities of a CID's homeowner association (HOA) and its members. (Civ. Code §§ 4000 et seq.)
- 2) Specifies that a CID is created whenever a separate interest coupled with an interest in a common area or membership in an association is conveyed, provided that a declaration, condominium plan, if any, and a final map or parcel map are recorded. (Civ. Code § 4200.)
- 3) Establishes the contents and limitations of a CID declaration, how a declaration can be amended, and that the declaration shall describe the restrictions on the use or enjoyment of any portion of the CID that are intended to be enforceable equitable servitudes. (Civ. Code §§ 4250-4275.)
- 4) Provides that the covenants and restrictions in a CID's declaration are enforceable equitable servitudes, unless unreasonable, and shall take effect to the benefit of and bind all owners of separate interests in the CID. Specifies that these servitudes may be enforced by any owner of a separate interest, or by the association, and that in an action to enforce the servitudes, a prevailing party shall be awarded reasonable attorney's fees and costs. (Civ. Code § 5975.)
- 5) Provides that, unless otherwise provided in the declaration of a CID, the HOA is responsible for repairing, replacing, and maintaining the common area; the owners of each separate interest are responsible for repairing, replacing, and maintaining their separate interest; the owner of each separate interest is responsible for maintaining the exclusive use common area appurtenant to that separate interest; and the association is responsible for repairing and replacing the exclusive use common area. (Civ. Code § 4775.)
- 6) Permits a homeowner of a separate interest in a CID to make any improvement or modification to their separate interest that does not impair the structural integrity or mechanical systems or lessen the support of any portions of the CID, including to modify the interest to facilitate access for individuals with disabilities, subject to the

rules of the CID's governing documents and law. Specifies the guidelines to any process for approval required, if the governing documents require the association to approve any such improvement. (Civ. Code §§ 4760-4765.)

- 7) Provides that covenants and restrictions in a CID's declaration are presumed reasonable and enforceable "unless they are wholly arbitrary, violate a fundamental public policy, or imposes a burden on the use of affected land that far outweighs any benefit." (*Nahrstedt v. Lakeside Village Condominium Assn.*, (1994) 8 Cal. 4th 361, 382.) Provides judicial deference to decision-making by the association's board of directors, as long as the duly-elected board exercises discretion within the scope of its authority in good faith. (*Lamden v. La Jolla Shores Clubdominium Homeowners Assn.*, (1999) 21 Cal. 4th 249.)
- 8) Protects HOA members' various rights, and limits an HOA's governing documents from prohibiting the display of religious items on an owner's doors, the posting of signs and flags, the installation or use of a television antenna, the use of low-water landscaping, the installation and use of an electric vehicle charging station, and the construction of an accessory dwelling unit. (Civ. Code §§ 4706, 4710, 4725, 4735, 4745, 4751.)

This bill:

- 1) Makes void and unenforceable, notwithstanding any other law, any provision of the governing documents, architectural guidelines, or policies if it prohibits or restricts the installation, upgrade, replacement, or use of a cooling system that complies with all applicable state and local building codes.
- 2) Makes void and unenforceable any CC&R 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.
- 3) Prohibits an HOA from prohibiting or restricting a member from installing, upgrading, replacing, or using a cooling system in the member's separate interest, and prohibits the HOA from:
 - a) Charging any fee 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 any rebate, credit, or commission in connection with a member's installation, upgrade, replacement, or use of a cooling system; or
 - d) Requiring a member to remove a cooling system or preventing the replacement or upgrade of an existing cooling system.

- 4) Permits an HOA to engage in the prohibited acts described in (3), above, when:
 - a) the installation, upgrade, replacement, or use of the cooling system would violate federal, state, or local law; or
 - b) the permit from a designated permitting authority is required for the installation, upgrade, replacement, or use of a cooling system, and that permit is not granted. For this provision, “permit” includes any electrical, building, or other permit required by law for work associated with the cooling system.

- 5) Specifies that nothing in its provisions is to be construed to limit or restrict the HOA’s ability to require a member or their successor 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 the cooling system, or to engage a licensed contractor to install, maintain, and repair the cooling system, except in the case of a portable air-conditioning unit, window air-conditioning unit, evaporative cooler, or any other cooling system that does not require a local building permit. Also specifies that nothing in its provisions is to be construed to limit or restrict the HOA’s ability to require the member or successor to disclose to prospective buyers the existence of the cooling system and related responsibilities.

- 6) Makes an HOA that violates its provisions liable to the member for the actual damages caused by that violation, as well as a civil penalty of up to \$2,000. Permits a member who prevails in a civil action pursuant to these provisions to obtain their reasonable attorney’s fees and court costs.

- 7) Defines, for the purposes of its provisions, “cooling system” to include, but not be 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, and specifies that the cooling system must meet all applicable health and safety standards and requirements.

COMMENTS

1. Author’s statement

In support of the 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.

2. Common interest developments in California

Common Interest Developments (CIDs) are self-governing housing developments comprised of individually-owned housing units and common space that all homeowners and residents of the CID can enjoy. Arrangements of CIDs can vary widely, from condominiums, townhouses, and detached single-family homes, to apartment-like high rises. They may be comprised of only a few housing units, or thousands. CIDs are commonly referred to as homeowner associations, or HOAs, for the body that provides for the CID's self-governance. There are an estimated 51,700 CIDs in the state, housing an estimated 14,489,00 Californians.¹

The laws that regulate CIDs are encompassed in the Davis-Sterling Common Interest Development Act (Civ. Code §§ 4000 et seq.). Many of the rules and structural elements of a CID are determined by the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) that are filed with the county recorder when the CID is established. These CC&Rs are the guiding rules of the CID and outline the CID's common area, the HOA's responsibilities, the obligation of the HOA to collect assessments from homeowners to cover the HOA's expenses, and a variety of other topics. The CC&Rs of the CID run with the land, as in they apply to each homeowner's property and remain on the land after a sale or transfer, legally binding future owners of the land.

All homeowners in the CID are members of the HOA, which is often incorporated as a mutual benefit corporation upon the formation of the CID. The HOA manages the CID and maintains its common space. To do so, the HOA elects a board of directors (board), and passes bylaws outlining the governance rules of the HOA and its board of directors. When a homeowner in the CID does not pay their assessments, the HOA board has the authority to impose a lien and foreclose on the individual's property. (Civ. Code §§ 5660, 5700.) The HOA may also impose fines on individual members for violations of the rules of the HOA. The CID's CC&Rs, the HOA's bylaws and operating rules, the HOA's articles of incorporation, and any other documents that govern the HOA are considered the governing documents of the HOA. (Civ. Code § 4150.)

¹ Foundation for Community Association Research, *Community Association Fact Book 2025: 2025 U.S. National and State Statistical Review* (2025).

3. HOA rules can significantly prescribe how an individual owner may use or alter their home

An HOA's board can establish rules governing a broad variety of topics relating to the CID. Such rules can prescribe a great variety of limitations on homeowners; for example, they may limit what can be placed on a homeowner's balcony, place requirements upon vehicles kept within the CID, and specify what kinds of improvements or changes a homeowner is allowed to make on the exterior of their unit. Rules regarding any alterations or additions to a homeowner's property are often what are called Architectural Guidelines, and can require submission to an "Architectural Committee" or other body within the HOA, with approval required before a homeowner can begin the alteration. Architectural guidelines can be as minute as the exact color of paint permitted for the exterior of homes. The rules of the CID on individual homeowners can be enforced by other members through a lawsuit, or by discipline from the HOA.

The HOA's authority to institute and enforce such rules is broad. Civil Code Section 5975, subdivision (a), provides that the covenants and restrictions stated in the declaration of a CID "shall be enforceable equitable servitudes, unless unreasonable." In *Nahrstedt v. Lakeside Village Condominium Association*, the California Supreme Court held that covenants and restrictions in a CID's declaration are presumed reasonable and enforceable "unless they are wholly arbitrary, violate a fundamental public policy, or imposes a burden on the use of affected land that far outweighs any benefit." (*Nahrstedt v. Lakeside Village Condominium Assn.*, (1994) 8 Cal. 4th 361, 382.) The California Supreme Court has also adopted a rule of judicial deference to decision-making by an HOA Board, as long as the duly-elected board exercises discretion within the scope of its authority in good faith. (*Lamden v. La Jolla Shores Clubdominium Homeowners Assn.*, (1999) 21 Cal. 4th 249.) Courts have allowed associations to provide authority to an Architectural Committee to make decisions on homeowner applications for proposed improvements to their homes with subjective, aesthetic criteria. (*Dolan-King v. Rancho Santa Fe Assn.*, (2000) 81 Cal. App. 4th 965.)

However, over the years the Legislature has added various provisions to the Davis-Sterling Act to protect HOA homeowners' rights to use their property in certain ways. Some of these provisions limit the HOA's governing documents from prohibiting the display of religious items on an owner's doors, the posting of signs and flags, the installation or use of a television antenna, the use of low-water landscaping, the installation and use of an electric vehicle charging station, and the construction of an accessory dwelling unit. (Civ. Code §§ 4706, 4710, 4725, 4735, 4745, 4751.) These limitations constrain otherwise valid and enforceable equitable servitudes under the CID's declaration, but do so to promote specific public policy outcomes and provide homeowners stronger rights to utilize their properties in ways important for public policy.

4. AB 1684 provides an HOA member the right to install a cooling system in their home

Extreme heat poses a serious risk to Californians. It is the leading cause of weather-related deaths, and in recent years, heat-related deaths have been on the rise nationally.² Extreme heat can be particularly dangerous for elderly people and those with preexisting health conditions like lung or heart disease, and disproportionately affects lower income communities.³ In 2022, the Legislature passed AB 209 (Committee on Budget, Ch. 251, Stats. 2022), which required the California Department of Housing and Community Development (HCD) to develop policy recommendations aimed at ensuring that residential dwelling units maintain a safe indoor air temperature. HCD's report recommended that the state consider enacting a general maximum safe indoor air temperature of 82 degrees Fahrenheit for residential dwelling units.⁴ Cal/OSHA also recently adopted indoor heat rules for indoor workplaces that require employers to adopt certain safety measures when indoor temperatures reach 82 degrees Fahrenheit.

According to the author, many HOAs have CC&Rs that ban window air conditioning units that are visible from the street, restrict the placement of a cooling system, or set a maximum decibel level for an exterior cooling unit. These limits, and the time-consuming review process that many members must go through to have the cooling system approved, make it difficult for a homeowner to install a cooling system of their choice, including more affordable window units.

To help ensure that homeowners in HOAs can install and use the cooling systems of their choice in the home, AB 1684 makes any provision of an HOA's governing documents, architectural guidelines, or policies that prohibits or restricts the installation, upgrade, replacement, or use of a cooling system void and unenforceable. It prohibits the HOA from prohibiting or restricting a member from installing, upgrading, replacing, or using a cooling system in their home, and prohibits the HOA from charging a fee to install or use a cooling system, requiring a member to use a specific cooling system, type of system, or contractor, claiming any rebate or credit for the member's installation or use of a cooling system, and from requiring the member to remove a cooling system. However, these limitations on an HOA would not apply if the installation, upgrade, replacement, or use of the cooling system would violate federal, state, or local law, or if a required permit for the cooling system is not granted.

² Hayley Smith, "As national heat deaths rise, California girds for worsening bouts of extreme temperature," Los Angeles Times (Aug. 26, 2024), <https://www.latimes.com/environment/story/2024-08-26/heat-deaths-continue-to-rise-researchers-say>.

³ Yale Climate Connections, "Why warm temperatures at nighttime can be dangerous" (Jun. 10, 2021), <https://yaleclimateconnections.org/2021/06/why-warm-temperatures-at-nighttime-can-be-dangerous/>.

⁴ Cal. Dept. of Housing & Community Dev., Policy Recommendations: Recommended Safe Indoor Air Temperature, 2025 Report to the Legislature (2025).

AB 1684 also would permit the HOA to make a member or their successor responsible for the repair of any damage to the common area, an exclusive use common area, or to another member's separate interest caused by the cooling system when the cooling system affects the common area or an exclusive use common area. It also permits an HOA to require that the member engage a licensed contractor to install, maintain, and repair the cooling system, except for in the instances of cooling systems like a portable air-conditioning unit, window air-conditioning unit, or evaporative cooler that does not require a local building permit to be installed. The HOA also may require that the member disclose to prospective buyers of their unit the existence of the cooling system and the related responsibilities regarding maintenance and repair of any damage that it causes.

Lastly, AB 1684 makes an HOA that violates its provisions liable to the harmed member for their actual damages as well as a civil penalty of \$2,000. It provides as well that a member who prevails in a lawsuit for a violation to be entitled to their reasonable attorney's fees and court costs.

5. Arguments in support

According to Marin Clean Energy, which supports AB 1684:

The California Department of Public Health has recognized that extreme heat events are occurring more frequently and for longer durations due to climate change. Heat related deaths and illness impact more Californians directly than any other weather-related hazard. As temperatures rise, cooling systems are essential health and safety tools to protect people. Additionally, modern high-efficiency cooling technologies like heat pumps – especially when paired with robust weatherization and building envelope sealing measures – can support load flexibility and demand response, helping to keep California's electric grid reliable during hot summer days.

The California Apartment Association also supports AB 1684, and states:

Approximately 65% of California homeowners belong to an HOA. Under current law, an HOA may restrict the kind of cooling system a homeowner may install, such as banning visible, window-mounted units or even require the use of a specific contractor to install a cooling system. Based on their home layout, financial resources, or health conditions, a homeowner – who may be a rental property owner – may have a valid preference for a certain kind of cooling system. For example, a homeowner may prefer an affordable window air conditioning (AC) unit due to the financial burden of installing central AC. Currently, if an HOA member's request to install their preferred cooling system is arbitrarily rejected by an HOA, their 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.

6. Arguments in opposition

According to the Community Associations Institute, California Legislative Action Committee, which opposes AB 1684:

We appreciate the willingness of the author to work with us and believe the has been significantly improved throughout the process. 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.

SUPPORT

California Apartment Association
Marin Clean Energy

OPPOSITION

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

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 806 (Connolly, Ch. 343, Stats. 2025) prohibited mobilehome park management or ownership from prohibiting or restricting a homeowner or resident from installing, upgrading, replacing, or using a cooling system in their mobilehome, and prohibited the termination of a tenancy for the installation, upgrade, replacement, or use of a cooling system.

AB 1410 (Rodriguez, Ch. 858, Stats. 2022) among other things, limited an HOA from taking disciplinary action against a member during a state of emergency and prohibited an HOA from retaliating against a member for exercising their rights.

SB 652 (Allen, Ch. 154, Stats. 2019) prohibited the governing documents of a CID from prohibiting the display of religious items, as defined, on the entry door or entry door frame of a member's separate interest, as specified.

AB 670 (Friedman, Ch. 178, Stats. 2019) made void and unenforceable any CC&R of a CID that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use.

SB 1016 (Allen, Ch. 376, Stats. 2018) made void and unenforceable any CC&R or other governing document of a CID that effectively prohibits or restricts the installation or use of an electric vehicle charging station or electric vehicle time-of-use meter, as specified.

AB 805 (Torres, Ch. 180, Stats. 2012) comprehensively reorganized and recodified the Davis-Sterling Common Interest Development Act into its current code sections and Civil Code sections 4000 et seq., and made a number of substantive changes to the Act, including adding the provisions that prohibit a CID's governing documents from prohibiting the posting or displaying of noncommercial signs, flags, posters, or banners on or in a member's separate interest and the provisions that make void and unenforceable any CC&Rs that effectively prohibit or restrict the installation or use of a video or television antenna.

(Sterling, Ch. 874, Stats. 1985) established the Davis-Sterling Common Interest Development Act.

PRIOR VOTES:

Senate Housing Committee (Ayes 9, Noes 0)

Assembly Floor (Ayes 74, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Housing and Community Development Committee (Ayes 11, Noes 0)
