

Legislative Update

New Laws for 2023

Nordberg | DeNichilo
ATTORNEYS AT LAW



Robert M. DeNichilo, Esq. CCAL
Robert@NDHOALaw.com
949.654.1510



AB 1410

(Roommates, Emergencies and Social Media)



- Bans enforcement of any restriction in Governing Documents that prohibits the rental or leasing of a portion of an **owner-occupied** separate interest for a period of more than 30 days.
 - *Essentially:* permits roommates when rental at least 31 days
 - Does *not* impact ability to restrict rentals where non-owner occupied
 - *Not* contingent on whether the restriction already existed when owner purchased

AB 1410

(Roommates, Emergencies and Social Media)

- Prohibits taking any enforcement action during a declared state or local emergency
 - *IF* the nature of the emergency makes it impossible for the owner to either prevent or fix the violation
 - *Excludes* assessment collection actions
 - *Takeaway:* California almost always in some form of declared state of emergency, but not many make compliance unsafe or impossible

AB 1410

(Roommates, Emergencies and Social Media)

- Prevents an Association from prohibiting an owner or resident from using social media or other online resources to discuss any of the following:
 - Development living
 - Association elections
 - Legislation
 - Election to public office
 - The initiative, referendum, or recall processes
 - Any other issues of concern to members or residents.
- Protects peaceful assembly, using the common areas or separate interests for meetings, canvassing and petitioning, and circulating the above information
- Prohibits retaliation against a member or resident for exercising rights to peacefully assemble and freely communicate
- **But** makes clear that Associations are *not* required to provide owners access to or allow them to post content on Association websites or social media

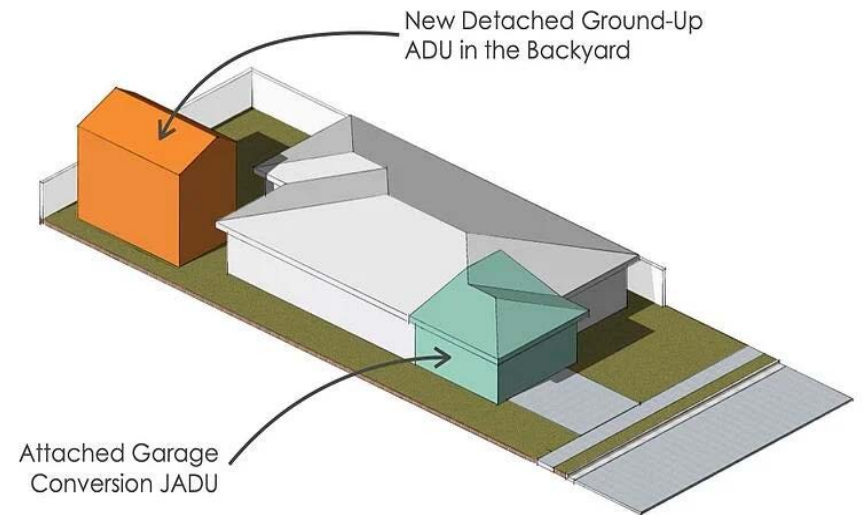


AB 1738 (EV Charging Stations)

- Requires the Department of Housing and Community Development to create a plan to install EVCS in existing multifamily dwellings, hotels, and motels.
- What should you do now?
 - Continue to monitor the State's push to meet its long-term goal of achieving 100 percent electric vehicles statewide.
 - Update governing documents and adopt EVCS policies to streamline requests to install EVCS

SB 897 (ADU)

- **Prior law:** allows local municipalities to impose **subjective** standards on parking, height, setback, landscape, architectural review, and size
- **SB 897:** requires **objective** standards = no personal or subjective judgment by public official and uniformly verifiable and knowable prior to submittal
- Prohibits a local agency from denying a permit to create an ADU due to correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety
- Increases maximum height limitation a municipality may impose on an ADU, modifies setback requirements, and prohibits imposition of parking requirements in certain specific instances
- **Takeaway:** aimed at local municipalities, but likely expect future similar bill to apply to Associations





AB 2097 (Friedman)

- Prohibits a municipal agency from requiring minimum parking requirements on new housing developments with over 20 units if within $\frac{1}{2}$ mile of public transit
- **Exception** if public agency makes written findings that not imposing or enforcing minimum parking requirements on the development would have substantially negative impact on the agency's ability to meet its share of specified housing needs or existing residential or commercial parking within $\frac{1}{2}$ mile of the development
 - Must be issued within 30 days of receipt of completed application
 - Supported by preponderance of evidence in the record
- **Exception** if housing development project:
 - Dedicates a minimum 20% of total number of housing units to very low, low-, or moderate-income households, students, elderly, or persons with disabilities;
 - Contains fewer than 20 housing units; or
 - Is subject to parking reductions based on any other applicable law.
- **Takeaway:** While not directly impacting existing Associations, the bill will significantly impact parking in new developments in coming years

Questions



Robert M. DeNichilo, Esq., CCAL

Robert@NDHOALaw.com

949.654.1510

949.994.8201