

IMPACT OF AB 1584

LOMAA Monthly Meeting

November 1, 2021

AB 1584 Provisions

- AB-1584 Housing omnibus
 - Many provisions regarding housing and rental tenancy
 - Defines “reasonable restrictions” to mean restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit. (Govt. Code §714.3(b).)
 - Sets a new due date for revisions to common interest development governing documents and authorizes specific changes without membership approval (Govt. Code §4741(f).)

AB 3182 – Effective January 1, 2021

- To increase affordable housing in California common interest developments, the legislation enables homeowners to:
 - Convert garages/carports into living spaces
 - Build small dwelling units in back yards
- The legislation also made significant changes to the Davis-Stirling Act with regard to rentals.

Governing Document Impact

- AB 3182 required HOAs with provisions in their governing documents that conflict with the new requirements to amend them no later than December 31, 2021.
- AB 1584 extends the date by which amendments must be completed to July 1, 2022

New AB 1584 Provisions

- AB 1584 makes explicit that the board may, without approval of the members, make the changes necessary to comply with Civ. Code §4751
 - No other changes to governing documents may be included.
 - General notice to the members must be made 28 days before the amendment is approved and must include the amendment text.
 - The decision to amend must be made in a board meeting after consideration of the association member comments.
- Association should still contact legal council regarding the changes needed for their specific governing documents.

What Does Not Change

- Zoning Density Override
 - Streamlined application, limited fees and expedited approval
- Building Limit Changes
 - Voided restrictions that would prevent the construction of ADUs
 - Garage and carport conversions authorized
 - Setbacks reduced to "no more than four feet from the side and rear lot lines."
- Parking Changes
 - Local agencies cannot require replacement of off-street parking
 - Local agencies may permit parking in setback area.

What Does Not Change

- Rental Restrictions
 - Requirement of owner occupancy in a single family residence in which there is a JADU permitted
 - HOAs may ban rentals of 30 days or less
 - Outright rental bans in HOAs are prohibited and rental limits below 25% of the units are void
 - If the owner lives in either the main residence or an ADU or JADU on the property, then the property does not count as a rental unit
- Penalties
 - “Unreasonable restrictions” on rentals of homes, accessory units (ADUs or JADUs) are prohibited.
 - HOA found to have an unreasonable restriction, could be liable for a \$1,000 civil penalty as well as attorney fees to the complaining party.

Relevant Resources

- California Dept. of Housing and Community Development.
 - <https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml#newlaws>
- County of Sonoma – Accessory Units
 - <https://sonomacounty.ca.gov/PRMD/Regulations/Housing/Housing-Types/Accessory-Units-and-Junior-Units/Accessory-Dwelling-Units/>
- City of Santa Rosa – Accessory Dwelling Units
 - <https://www.srcity.org/adu>
- Adams Stirling PLC – Accessory Dwelling Units
 - <https://www.davis-stirling.com/HOME/Accessory-Dwelling-Units>
- AB 1584
 - https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1584