

## **RENTAL PROPERTY OWNERS GUIDE to CALIFORNIA'S 2014 LAWS & REGULATIONS**

In 2014, the Association's lobbying team, California Political Consulting Group (CalPCG), identified and tracked over 130 rental property related legislative bills that were introduced by various members of the California Legislature. The tracked bills comprised roughly 7% of all the bills that were introduced in the Legislature in 2014.

Of the 130 bills CalPCG tracked, 73 were considered "Tier One" top priority bills because of their potential to seriously hurt the interests of rental property owners. These Tier One bills included bills like the "Ellis Act" bills, which sought to limit the right of rental property owners to go out of business, and AB 2561, the "Food Crop" bill by Assembly Member Bradford, which would have given tenants unprecedented rights to grow potted food plants without regard to damage to the property.

Bills other than Tier One are considered "Tier Two" because they bear on the interests of rental property owners, but do not grossly change the rights or interests of rental property owners. Although Tier Two bills have a lower priority, they must be vigilantly tracked because of the potential for the author of the bill to introduce an amendment that that can hurt the interests of property owners. Such was the case, for example, of SB 411 (Wolk).

We held an "opposed" or "opposed unless amended position" on 31 bills in 2014. Each of these bills either died or was amended in such a way as to remove our opposition. We also supported 11 bills. For all other tracked bills, we held a "watch" position, which simply means that we kept an eye on it.

Overall, despite another year of legislative attacks on the rights of rental property owners, our lobbying team successfully killed the most horrendous bills, while getting significant amendments on all other bills of importance. As such, 2014 marks the second year in a row in which no harmful rental property legislation was signed into law.

### **2014 LEGISLATIVE BILLS SIGNED INTO LAW**

**AB 319 (Campos) Eviction Abuse Victims:** Prohibits local agencies from forcing rental property owners to evict tenants who are victims of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, or based upon the number of calls made by a person to an emergency response center.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to Know: The prior practice of some local governments was to force property owners to evict tenants even when they were victims of abuse. This legislation puts a stop to that practice. Nothing in this legislation, however, prevents a rental property owner from choosing to evict tenants for any lawful reason.

**AB 1513 (Fox) The "Squatters" Bill:** The purpose of this bill is to provide an alternative eviction and trespass process when "squatters" are found living in vacant homes. This 3-year pilot project allows owners of residential property or their agents in the cities of Palmdale,

Lancaster, and Ukiah to register vacant real property with the local law enforcement agency and to execute, under penalty of perjury, a Declaration of Ownership of Residential Real Property. Once registered, police officers can order unauthorized persons living in the home to vacate within 48 hours, and/or arrest and charge them with trespassing.

Association's Position: Watch.

Effective Date: January 1, 2015.

Impact of Lobbying Efforts:

How to Comply:

**AB 1522 (Gonzalez) Employee Paid Sick Days:** Employees who work in California for 30 or more days within a year are entitled to paid sick days, accrued at a rate of one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th day of employment. "Employee" does not include those covered by a qualifying collective bargaining agreement, providers of in-home supportive services, and qualifying air carrier employees.

Association's Position: Watch.

Effective Date: July 1, 2015.

How to Comply: Unless a qualifying collective bargaining agreement exists, the bill applies to residential rental property owners and their employees. Because there are other important details to the bill not reflected herein, rental property owners should read the entire bill and familiarize themselves with all of the provisions. Ensure that your employees are provided with sick time consistent with the rules of the bill. Speak to an employment law attorney for advice.

**AB 1657 (Gomez) Free Court Interpreters in All Civil Actions:** The bill authorizes courts to provide a court interpreter in any civil action or proceeding at no cost to the parties, regardless of income of the parties.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to know: The policy behind this law is to ensure court interpreter services are provided without barriers.

**AB 1660 (Alejo) Nondiscrimination; Drivers License:** Current law allows undocumented persons to be issued a California drivers license. This bill protects persons on the basis of having such a license from employment discrimination under the California Fair Housing and Employment Act.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to know: The bill only applies to employment discrimination. It does not apply to housing discrimination or create a new protected class with respect to renting a dwelling unit.

With that said, expect to see a bill addressing housing discrimination on the basis of an undocumented person's drivers license some time in the near future. For now, ensure that you or your business is not discriminating against any employee on the basis of his or her drivers license status.

**AB 1685 (Williams): Pest Control Notice by Email:** Pest control operators are required to provide notice to property owners and tenants when pest control work is to be performed, for example, when chemicals are sprayed. This bill allows notice to be given via email if an email is provided.

Association's Position: Watch.

Effective Date: January 1, 2015.

How to Comply: If owners and tenants want to be notified electronically about when pest control work is going to be performed, they may provide their email address to the pest control operator. It is not mandatory to provide your email.

**AB 1690 (Gordon) New Rental Housing Land-Use Densities:** Any city or county that does not identify adequate sites in its housing element must adopt a rezoning programs to accommodate all of its very low and low-income housing need on sites designated for mixed uses only if those sites allow for 100% residential use and require at least 50% residential floor area of a mixed use project.

Association's Position: Watch.

Effective Date: January 1, 2015.

How to Comply: Members should get involved in local government housing element review process to assure that there are adequate sites for very low and low-income households. Involvement should include active participation with local government staff, stakeholders and city councils and board of supervisors to assure that the policies do not include punitive or overly restrictive real estate ordinances.

**AB 1710 (Dickenson) Data Breach:** Current law requires a person or business that owns or licenses computerized data that includes personal information to notify any person whose personal information may have been compromised due to a breach of the security of the system. Under this bill, if the person or business providing the notification was the source of the breach, that person or business must offer to provide appropriate identity theft prevention and mitigation services, if any, to the affected person at no cost for not less than 12 months if the breach exposed or may have exposed certain kinds of personal information. The bill also bars any person or entity from selling an individual's social security number, unless otherwise allowed under state and federal law.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to know: This is a consumer protection bill that takes a small step toward helping people deal with security breaches involving their personal information, and protecting people's social security number.

**AB 1804 (Perea) Insurance: Notice of Lapse:** Prohibits an insurance policy from lapsing or being terminated for nonpayment of a premium unless the insurer, at least 10 days prior to the effective date of the lapse, termination, expiration, nonrenewal, or cancellation, gives notice to the policyholder.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to know: Sometimes people are unaware that they have not paid their monthly insurance premium, because, for example, their debit card on file with the insurance company expired. Whatever the reason, this reasonable consumer protection bill requires insurance companies to provide 10 days notice prior to cancelling a policy, so as to prevent shock and surprise of an unexpected cancellation.

**AB 1826 (Chesbro) Organic Waste Removal:** Requires businesses, including multifamily residential dwellings (5 units or more) that generate a certain amount of organic waste per week to arrange for recycling services for that organic waste. Organic waste is defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. *Multifamily dwelling owners, however, are not required to arrange for organic waste recycling services for food waste generated by their tenants.*

Association's Position: Watch.

Effective Date: (1) On and after April 1, 2016, a business that generates eight cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste. (2) On and after January 1, 2017, a business that generates four cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste. The State holds discretion to require those generating two cubic yards of organic waste to arrange for recycling services by January 1, 2020 if disposal of organic waste has not been reduced to 50% of the disposal level of 2014.

How to Comply: Multifamily residential dwelling owners subject to this law have essentially three options for dealing with their organic waste: (1) source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste; (2) recycle organic waste onsite or self-haul its own organic waste for recycling, or (3) subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.

**AB 1918 (Williams) Heating and Cooling Equipment Tracking Sales and Installation:** Requires the State Energy Resources Conservation and Development Commission to develop and implement a system for tracking the sales and installation of central heating and air-cooling equipment to ensure units are properly permitted and installed. The purpose of the bill is to combat the growing "Craigslist" problem of cheaply hired Internet contractors who perform unpermitted and often improper installs of heating and air units. The shoddy work often results in inefficient energy use, unfair competition for contractors who follow permitting rules, and an inability of the local government to collect important permitting fees. The bill also directs the commission to establish an incentive program for contractors and local governments to improve verification of building code compliance and permitting rules following installation.

Association's Position: Watch.

Effective Date: Development of the sales and installation tracking system begins January 1, 2015. There appears to be no timeline for the completion and implementation of the tracking system. The incentive program begins January 1, 2016.

How to Comply: As a result of the bill, local governments will be better equipped and able to enforce building permit rules and regulations. By tracking the sales of air conditioning and heating units, they can follow up with the contractor or individual who purchased the unit and check to ensure that a building permit was applied and paid for. In other words, those who may be thinking of bypassing the permitting processes when installing a new heating or cooling unit should think twice.

**AB 2119 (Stone) Transactions and Use Taxes:** Authorizes the board of supervisors of a county to levy, increase, or extend a transactions and use tax throughout the entire county or within the unincorporated area of the county, if approved by the qualified voters.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to know: In many counties throughout the state, more than half of their territory is in unincorporated areas, making those counties responsible for financing a large amount of infrastructure. This bill allows counties to introduce a sales tax measure that will be applied to unincorporated areas, spent on the infrastructure of those unincorporated areas, and voted on by the qualified voters of those areas.

**AB 2256 (Garcia): Service of Process:** Eliminates the requirement of persons performing lawful service of process or service of subpoena to identify to the guard of a gated community the person or persons to be served. Process servers must still display a current driver's license or other identification and evidence of current registration as a process server.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to know: The bill makes it easier for process servers to surprise the recipient of the service or process or subpoena.

**AB 2282 (Gatto) Recycled Water Infrastructure:** Requires the California Building Standards Commission to adopt mandatory building standards for the installation of recycled water infrastructure in newly constructed residential, commercial, and public buildings during its triennial update for the 2019 building code for both outdoor and indoor uses. This is a water conservation measure that in the long run will help California save its precious water resources by creating a system for reusing water for non-drinking purposes.

Association's Position: Watch.

Effective Date: Year 2019.

What to know: The new standards will apply to single and multifamily housing in areas where there is or will be access to water recycling facilities.

**AB 2310 (Ridley-Thomas) & AB 2485 (Dickenson) Local Government Forced Tenant Evictions:** These related bills reauthorize a lapsed pilot program allowing city attorneys or city prosecutors to require rental property owners to evict tenants who are involved in specified unlawful activities. AB 2310 applies to the counties of Alameda, Los Angeles, and Sacramento for illegal weapons or ammunition activities. AB 2485 applies to the cities of Oakland and Los Angeles, and the county of Sacramento for illegal activities relating to drug sales. Under the bills, property owners have the option of paying the city \$600 to handle the eviction proceedings.

Lobbying Efforts: Under the original pilot program, if a property owner elected to pay the city to handle the eviction proceeding, there was no actual requirement that the city take any legal steps to evict the tenant; nor was there any mechanism for a property owner to receive a refund of the \$600 fee if a city failed to take action against a tenant. That meant that a city could take a property owner's money, decide to not pursue an eviction, and then refuse to give the property owner's money back. This bill attempted to reintroduce that same unfair policy. We vigorously argued that the bill was unfair, and needed amending. The authors later agreed to take our amendment which now requires the city to actually file an unlawful detainer prior to accepting any fees from a rental property owner.

Association's Position: Originally, we were Opposed Unless Amended. After the amendments were taken, we moved to a neutral position.

Effective Date: The bills went into effect as soon as they were signed by the Governor and chaptered by the Secretary of State. The bills were signed and chaptered on September 15, 2014.

How to Comply: If you are a residential rental property owner in one of the cities or counties in which the bill applies, then you must take appropriate action against a tenant if requested by the city attorney or city prosecutor. If requested, landlords must attempt to evict the targeted tenant, or assign the right to evict over to the prosecuting attorney. Once the prosecuting attorney files an unlawful detainer, property owners will be required to pay a \$600 fee. The new law helps property owners evict problem tenants who may be breaking the law.

**AB 2451 (Daly) Water Submeters: Installing and Landlord Liability:** The new law makes a number of changes to the way inspections, testing and certification of water submeters.

Association's Position: Initially, we adopted an "Oppose unless Amended" position because the bill proposed to allow a district attorney to prosecute a rental property owner if a water submeter did not operate properly. As a result of successful discussions and amendments with the County Sealers Association, we changed our position to a "Watch" position. The final amendments assured that we would not be exposed to criminal prosecution.

Effective Date: January 1, 2015.

How to Comply: The measure only applies to properties that have water submeters. Under the bill, submeters may be inspected and sealed by *any* county sealer, not just one County Sealer under the former rule. Also, rental property owners will be protected from civil and criminal litigation so long as the water submeter is deemed "sealed" by a county sealer. The rule applies regardless of whether the submeter was actually tested. Moreover, property owners are protected from liability so long as the water submeter has been maintained properly or deemed by the sealer to show no signs of intentional tampering, damage or alteration.

**AB 2494 (Cooley) Penalties for Frivolous Lawsuits:** The bill extends a court's power to order a party, the party's attorney, or both, to pay the reasonable expenses, including attorney's fees, incurred by another party as a result of bad-faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. "Actions or tactics" include, but are not limited to, the making or opposing of motions or the filing and service of a complaint, cross-complaint, answer, or other responsive pleading. "Frivolous" means totally and completely without merit or for the sole purpose of harassing an opposing party.

Association's Position: Watch.

Effective Date: January 1, 2015.

What to know: This is a common sense law that penalizes attorneys and parties to lawsuits who file frivolous claims or employ abusive litigation tactics. This law applies to landlords and tenants in unlawful detainer proceedings, or any other court proceeding.

**AB 2561 (Bradford) Residential Rental Property: Growing Edible Foods"** The bill requires rental property owners to permit their tenants in a single family or duplex rental properties to participate in personal agriculture in portable containers so long as certain rules are followed. The potted plants must be in a rented space outside in the backyard area on the ground level. Moreover, property owners reserve the right to establish the precise boundaries within which tenants may grow their plants.

Lobbying Efforts: The original few versions of the bill applied to any residential rental property, and allowed tenants to grow potted food plants inside or outside the property, including the front stairs, back stairs, front lawn, back lawn, patio or deck, and the entire backyard. As a result of this proposed new right, properties would have suffered immense physical damage. As many property owners are aware, overgrown crops can damage anything made of wood including the exterior of the dwelling, balconies, and stairs. Water and soil damage can occur and lead to mold and health hazards. Roots and vines can seep into pipes and electrical wiring. Outside appliances such AC condensers can also be damaged due to improper placement and over growth. Property owners would have lost all control over the appearance of the property, property values would have suffered, and owners would have been required to assume more liability if a tenant failed to properly place, maintain, or manage plant growth. Our lobbying team opposed the measure, and heavily lobbied the author and other members of the legislature to change the bill. The resulting bill removed the provisions allowing tenants to grow food anywhere, and gave power back to the property owner to restrict the agriculture as the owner sees fit. The bill also allows owners to select the type of pots the plants may be grown in.

Association's Position: Originally, we were Opposed. After the amendments were taken, we moved to a Neutral position.

Effective Date: January 1, 2015.

How to Comply: Owners of single-family duplex residential rental properties may not deny a tenant's request to grow food plants in potted plants; however, he or she may establish the location including the parameters within which potted food plants may be placed and grown and may restrict the plants to the backyard of a single-family residential rental unit. The law does not permit a tenant to grow any unlawful crop including marijuana.

**AB 2565 (Muratsuchi) Electric Vehicle Charging Stations: Installing, Costs and Maintenance:** This bill requires residential rental property owners to approve a written request of a tenant to install an electric vehicle charging station at the tenant's designated parking space if certain conditions are met and in compliance with the property owner's approval process for modification, which may involve rules for installation, use, maintenance, removal of the charging station, and installation of the infrastructure for the charging station. Tenants must maintain a \$1,000,000 general liability insurance policy. The bill does not apply to residential rental properties that have fewer than 5 parking spaces and any property in a rent control jurisdiction.

**Lobbying Efforts:** The original version of the bill was but a skeleton of the final version that was signed into law. At introduction, the bill was seriously flawed. No consideration was given to the feasibility of installing an electric charging station with respect to construction, amperage, load capacity, electric billing, tax on improvements, rent control jurisdiction rules, lease terms, and property owner control over the modification of his or her property. Our lobbying team, however, spearheaded an effort to educate the author on the infeasibility of the bill in its original form, and proposed many changes to make the bill workable. After many meetings and debate, almost all recommended changes offered by our team were adopted. The resulting bill is one, which protects property owners while allowing tenants under appropriate conditions to install charging stations.

**Association's Position:** Originally, we were Opposed Unless Amended. After the amendments were taken, we moved to a Neutral position.

**Effective Date:** July 1, 2015.

**How to Comply:** First and foremost, rental property owners and managers should adopt policies and procedures for receiving a tenant's application to install and then maintain an electric charging vehicle station. If an existing tenant requests to pay for an electric charging vehicle station, a laundry list of items must be followed. The property owner is to review the real property improvements, which the tenant must pay for up front. Proper insurance must be maintained by the tenant at all times. The tenant will also be required to pay for any additional electrical usage and damage. Improvements paid by the tenant may include changing the electrical main panel.

**AB 2747 (Weickowski) Electronic Transactions Between Owners and Tenants.** The Uniform Electronic Transactions Act generally allows parties to agree to contract and conduct transactions by electronic means. Up to now, however, electronic transactions relating residential rental security deposit agreements have not been allowed. AB 2747 removes this barrier to allow residential rental property owners and their tenants and prospective tenants to agree to transact electronically with respect to security deposits. Allowing the use of electronic transactions for security deposits helps bring owner-tenant relationships into the 21st century. Contracts, agreements, and payments can now be smoothly facilitated through electronic means.

**Association's Position:** Support

**Effective Date:** January 1, 2015.

**How to Comply:** If you want security deposit transactions to be conducted electronically, including delivery of the itemization of the deposit (Move-in/ move-out form) sign an agreement with your tenant to that end. You may not, however, force your tenant to transact electronically.



**SB 1167 (Hueso) Pest Eradication:** Previously, if an enforcement officer found a pest infestation at a residential rental property, the common practice was for the officer to cite the owner, and tell him or her to get rid of the pests. Owners usually complied by getting a pest control operator to spray pesticides around the property or lay traps. Under the new rules of this bill, enforcement officers are now required to order owners to get rid of the pests *and* any conditions that the enforcement officers believes may be causing the pest infestation. That simply means that owners must try to solve the root cause of the pest problem. Spraying and laying traps does not always get to the underlying cause of the problem. For example, a leaky pipe may be attracting pests. Under that scenario, the owner would have to fix the leaky pipe.

Lobbying Efforts: Our lobbying team was involved in helping the author draft the proper language for the bill. Originally, the bill would have required owners to correct any conditions that “contributed” to the infestation. The term “contributed” was too expansive and vague, and may have led to enforcement officers going on what many call “fishing expeditions” in which officers attempt to find all conditions wrong with a property and order that they all be fixed, even if the conditions didn’t directly cause the pest infestation. After numerous meetings with the author, it was agreed that a more limited authority to require abatement of conditions that caused the infestation was more appropriate. Ultimately, property owners should deal with their pests, especially when they become infestations.

Association’s Position: Neutral

Effective Date: January 1, 2015.

How to Comply: Under the new law, property owners may be required to do more than hire a pest control operator to get rid of pests. If the cause of a pest infestation cannot be addressed through spraying, enforcement officers can require owners to take additional steps to address the cause of the problem.

## **NEW AND PROPOSED STATE REGULATIONS**

### **Water Conservation**

On July 15<sup>th</sup> the State Water Resources Board adopted an emergency regulation restricting water use for outside areas. Those regulations prohibit the use of outside potable water in a manner that results in runoff water on sidewalks, driveways, roadways and adjacent property. It also prohibits runoff from washing vehicles with a hose unless the hose is fitted with a shut-off nozzle, watering driveways and sidewalks, and using water in decorative fountains unless it has a recirculation feature. Violation of the regulations constitutes an infraction and may result in a fine up to \$500 for each day the violation occurs.

Property owners and managers are advised to review rental and lease agreements to assure tenants, guests and invitees: 1) comply with the state regulation and; 2) are solely liable to pay all fees and fines associated with violation of the regulations.

### **Proposed Proposition 65 Reform Efforts**

Since 2013, the State has been trying to change the Proposition 65 (Prop. 65) hazardous chemical warning sign requirements. Last year, the Office of Environmental Health Hazard Assessment (OEHHA) attempted to make sweeping changes both in regulation and law. The

business community impacted by the new changes formed a coalition to oppose the measures, and successfully defeated them. Our lobbying team was part of that coalition.

Earlier this year, OEHHA renewed its attempt to make changes. Again, there was near unanimous opposition by the business community to the changes. Since then, the business coalition, led by the California Chamber of Commerce, has been in talks with OEHHA on how to improve Prop. 65 without unnecessary burden and expense to businesses. Discussions are ongoing.

Our lobbying team has been a vocal and active participant in the coalition and throughout the process.

### **Proposed New Pool Safety Regulations**

New swimming pool safety and maintenance regulations will be going into effect soon (likely in 2015). The regulations apply to public pools, including those in apartments, condominiums, and homeowner associations. Exempted are private pools, defined as pools intended for use by occupants of not more than three residential units.

Our lobbying team has been opposing the new regulations since they were first proposed last year. Although some favorable changes were made to the original proposal, the new regulations slated for approval are numerous and likely to be burdensome for some.

New requirements include but are not limited to the following:

- Daily testing of disinfectant residual and pH, when pool is open for use.
- Daily testing of water temperature in heated pools.
- If cyanuric acid is used, concentration levels must be tested once per month.
- Must test the combined chlorine at a frequency required to maintain maximum combined chlorine concentrations below 0.4 ppm.
- Properly calibrated automatic chemical monitoring and control systems may be used.
- Maintain written daily record of all test results, equipment readings, calibrations, and corrective action taken.
- Maintain written record of routine maintenance and repairs.
- Record any incidents involving the following: fecal, vomit, blood contamination, near-drowning, or drowning.
- Keep all records at the pool site for at least two years.
- Maintain a test kit for measuring disinfectant residual, pH, and I used, cyanuric acid concentration.
- Maintain clean pool water while in use, free of dirt, oils, scum, algae, floating debris, scum, sputum, trash, leaves, or visible organic and inorganic materials (i.e bugs, lawn furniture, and towels) that would pollute the water.
- Ensure water levels are maintained and operated to remove debris continuously through a pool skimming system.
- Pool employees and patrons having a communicable disease (such as cryptosporidium, giardia, Legionnaires' disease, and Pseudomonas aeruginosa) while in an infectious state, or those having symptoms such as a cough, cold, nasal or ear discharge, or those wearing bandages may not enter the pool.
- New reporting requirements when two or more patrons or lifeguards within five days reports that they have diarrhea.

There are many more new pool regulations that must followed, including those relating to chemical levels, lifeguards, safety and first aid equipment, cleaning ancillary facilities, and

pool closures. We recommend you read and follow all new pool regulations. For an advanced look at the proposed new regulations see <http://www.cdph.ca.gov/services/DPOPP/regs/Pages/DPH-03-017APublicPools.aspx> (click "Methodology to Indicate Changes to Proposed Regulations and Regulation Text").

### **New Pesticide Regulation Restricts the Use of Certain Rodenticides**

Most residential rental property owners hire pest control operators to manage their pest problems. Some, however, take measures into their own hands by purchasing certain effective over-the-counter pesticides. For those "self-helpers," a new regulation went into effect this past July, 2014, which restricts the use of Second Generation Anticoagulant Rodenticides (SGARs), a popular and effective pesticide.

SGARs are used to address rodent problems. They are strategically placed around a property, and later eaten by rodents. SGARs deliver a delayed lethal dose to the target rodent with the first feeding that does not kill the rodent immediately. When the rodent does eventually die, the SGAR poison remains in the rodent's body. Non-target wildlife, like birds or other land animals, then come into contact with this infected rodent by touching it or eating it. These animals eventually also die.

The Department of Pesticide Regulation (DPR) conducted an assessment of SGARS to evaluate of the potential and actual risk of SGARs on California's wildlife. They concluded that the current use of SGARs presents a hazard related to persistent residues in target animals resulting in impacts to non-target wildlife. For these reasons, DPR has decided to restrict the use of SGARs permanently.

Effective, July 1, 2014, SGARs can only be sold by licensed dealers and purchased by certified applicators. Restricting the sale of SGARs to certified applicators is expected to significantly mitigate exposure to, and protect, California's non-target wildlife.

## **RETROFIT REMINDER**

### **Smoke Detectors**

Smoke detectors are to be installed in each bedroom on or before January 1, 2016. When installing the detectors before this date, the landlord or manager should:

- a) Determine if each rental unit has smoke detectors in each bedroom and the type of detectors (AC vs. battery powered). Where devices exist, note its existence, the manufacturer, and the location of each detector in the rental unit file. For units without detectors in each bedroom, decide when compliance with the new law will be undertaken (must be before January 1, 2016), and note it in the rental unit file.
- b) Install the detectors on a specified schedule and note that schedule in the file of each rental unit. In the file, also note the date the detector was installed, location in the dwelling, and the serial number.
- c) All existing devices must be operable and located in compliance with the new state law at the time of a new hiring and when installing new devices.
- d) New smoke alarms purchased must comply with the new law and be approved by the State Fire Marshal in order for the alarms to be sold in the state. The new devices must be tamper proof, and contain both a hush button feature and a 10-year battery life (AC powered smoke detectors and operable battery devices are not required to be replaced).

Keep in mind the following: 1) Smoke alarms connected to a panel or connected to a wireless communication signal are exempt from the new law; 2) the law does not apply to installing or replacing smoke detectors in common stairwells; and 3) because certain cities have adopted more restrictive smoke detector ordinances, landlords and managers are advised to comply the new requirements and local laws and regulations to the extent possible.

#### **Carbon Monoxide Detectors (CO Device)**

Every owner of a “dwelling unit intended for human occupancy” must install an approved CO device in each existing dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage. Qualifying units must have at least one CO device per floor, and if there are bedrooms on the floor, the CO device must be placed adjacent to the bedrooms. Also, you may follow the manufacturers instructions that come with each device. Single-family dwelling units were required to be in compliance on or before July 1, 2011. All other existing dwelling units were required to be in compliance on or before Jan. 1, 2013.

#### **Plumbing Fixture Mandate**

On or before January 1, 2017, all noncompliant plumbing fixtures in any single-family residential real property built prior to 1994 must be replaced with water-conserving plumbing fixtures. For multifamily residential real property built prior to 1994, all noncompliant plumbing fixtures must be replaced with water-conserving plumbing fixtures on or before January 1, 2019. Water conserving plumbing fixtures includes 1.28-gallon toilets and 2.2-gallon-per-minute faucets and showerheads. Installation may be more difficult than expected. Replacing a faucet may involve replacing water supply lines and angle stops. Replacing a toilet may include replacing flooring because the toilet footprint may not match the old footprint. When purchasing a new faucet, ensure that the faucet matches the cover and openings in the sink.

**FOR SPECIFIC ADVICE, READERS SHOULD CONSULT AN ATTORNEY**