

Legislative Updates-2014

Health and Safety

Smoke Alarm – SB 745 (Assembly Transportation & Housing) and Carbon Monoxide Alarm

Existing law requires all residential properties to have at least one smoke alarm on each level and **by January 1, 2016**, owners are also responsible for installing a smoke alarm in each bedroom. A new law requires that new battery operated smoke alarms *sold* in California **after July 1, 2014** must have a non-removable, non-replaceable 10-year battery life. (Extended 6 months from last update). They do allow smoke alarms already in stock to be used if purchased before July 1, 2014. In addition, beginning **on January 1, 2015**, all smoke alarms and combination smoke alarms must also include a display of the date of manufacture of the device, a place to write the date of installation, and a hush feature. (Extended one year from last update.) Existing operable smoke alarms do not have to be replaced.

Previously, only owners of multi-housing rental units were responsible for testing and maintaining smoke and carbon monoxide alarms. **Beginning January 1, 2014**, owners of single family rental units will also be responsible for testing and maintaining these devices.

Additionally, in ALL dwelling units intended for human occupancy for which a building permit is issued for alterations, repairs, or additions **after January 1, 2014**, the permit issuer cannot sign off the completion of the work/permit until it is verified that all alarm devices required are the type approved by the State Fire Marshall (Section 13114).

SB 745 further requires inside telephone wiring to meet the standards of the most recent California Electrical Code where previous law required meeting the standards of National Electrical Code.

Tenant-Landlord- Applicant Screening

Driver's Licenses – AB 60 (D-Alejo)

Existing California law prohibits rental property owners from making inquiries about a tenant or applicant's immigration and/or citizenship status (California Civil Code 1940.3). This new bill signed by Governor Brown in October allows the DMV to issue driver's licenses to individuals who, in lieu of a social security number, provide satisfactory proof that their presence in the U.S. is authorized under federal law. It also allows the DMV to issue a driver's license to those

unable to provide proof of legal presence by signing an affidavit that they are ineligible for a SS# and unable to prove legal presence. DMV expects to start issuing them in 2014, before the January 1, 2015 deadline. AB 60 specifically prohibits discrimination against an individual who holds this driver's license.

The law does allow you to request "information or documentation necessary to determine or verify the financial qualifications of a prospective tenant or to determine or verify the identity of a prospective tenant or occupant" which most likely could include another 'government issued photo ID' such as a foreign passport or driver's license. Most screening companies can run a credit review with other ID such as an Individual Tax Identification Number (ITIN) and a Visa along with other identifying information. We've updated our [application](#) form to allow one to screen tenants with or without a social security number. If the information obtained is insufficient to verify the applicant is qualified, it is advised to give them a Notice of Denial to Rent.

Fourth District Court of Appeals decision concerning the Right to Enter Residential Rental Dwelling Units—*Dromy v. Lukovsky* (2013)

This Southern California appellate court interpreted the meaning of the phrase "normal business hours" as used in Civil Code Section 1954. It defined it in the context of the right of the landlord to show his property to prospective purchasers as "objectively reasonable hours under the facts and circumstances of the case, keeping in mind the right of tenants to quiet enjoyment and the right of landlords to sell their property."

In this case, where the landlord wanted to show the occupied rental to prospective purchasers on the weekend and the tenant refused saying it was not during normal business hours, that it was an undisputed fact the custom and practice of licensed real estate agents is to hold open houses during the weekend. The court limited the number of times the landlord (or his agent) could enter on the weekend to two afternoon open houses a month, with advanced and proper notice to the tenant.