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AB-2898 Unbundled parking: exemptions: Housing Choice Vouchers. (2023-2024)

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Assembly Bill No. 2898

CHAPTER 420

An act to amend Section 1947.1 of the Civil Code, relating to tenancies.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2898, Wendy Carrillo. Unbundled parking: exemptions: Housing Choice Vouchers.

Existing law requires the owner of qualifying residential property, as defined, that provides parking with the qualifying residential property to unbundle parking from the price of rent, as specified. Existing law defines "unbundled parking" as the practice of selling or leasing parking spaces separate from the lease of the residential use.

Existing federal law provides housing assistance to low-income individuals and households in the form of vouchers, commonly known as Housing Choice Vouchers.

This bill would exempt any residential unit that is leased to a tenant who receives a federal Housing Choice Voucher, including a federal Veterans Affairs Supportive Housing voucher, from the above-described requirement to unbundle parking.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1947.1 of the Civil Code is amended to read:

1947.1. (a) If an owner of a qualifying residential property provides parking with the qualifying residential property, they shall unbundle parking from the price of rent.

(b) (1) Off-street parking accessory to a qualifying residential property shall not be included in any residential rental agreement and shall be subject to a rental agreement addendum or provided in a separate rental agreement.

(2) All off-street parking spaces shall be unbundled from the qualifying residential property for the life of the property.

(c) (1) A tenant of a qualifying residential property shall have the right of first refusal to parking spaces built for their property. Remaining residential unbundled parking spaces that are not leased to tenants of the residential dwelling may be leased by the owner of the qualifying residential property to other on-site users or to off-site residential users on a month-to-month basis.

(2) If there are unavailable parking spaces on the residential property upon the occupancy of a new tenant, and parking spaces are subsequently built for the residential dwelling or otherwise becomes available on the qualifying residential property, the new tenant shall receive a right of first refusal to an available parking space.

(d) (1) A tenant's failure to pay the parking fee pursuant to a separately leased parking agreement shall not form the basis of any unlawful detainer action against the tenant.

(2) If a tenant fails to pay by the 45th day following the date payment is owed for a separately leased parking space, the property owner may revoke that tenant's right to lease that parking spot.

(e) For purposes of this section:

(1) "Owner of qualifying residential property" includes any person, acting as principal or through an agent, having the right to offer qualifying residential property for rent, and includes a predecessor in interest to the owner.

(2) (A) "Qualifying residential property" means any dwelling or unit that is intended for human habitation that meets all of the following criteria:

(i) The property is issued a certificate of occupancy on or after January 1, 2025.

(ii) The property consists of 16 or more residential units.

(iii) The property is located in one of the following counties:

(I) Alameda.

(II) Fresno.

(III) Los Angeles.

(IV) Riverside.

(V) Sacramento.

(VI) San Bernardino.

(VII) San Joaquin.

(VIII) Santa Clara.

(IX) Shasta.

(X) Ventura.

(B) "Qualifying residential property" does not include any of the following:

(i) A residential property or unit with an individual garage that is functionally a part of the property or unit, including, but not limited to, townhouses and row houses.

(ii) A housing development of which 100 percent of its units, exclusive of any manager's unit or units, are restricted by deed, regulatory restriction contained in an agreement with a governmental agency, or other recorded document as affordable housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code.

(iii) A housing development that receives low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code (26 U.S.C. Sec. 42).

(iv) A housing development that is financed with tax-exempt bonds pursuant to a program administered by the California Housing Finance Agency.

(v) A residential unit that is leased to a tenant who receives a federal housing assistance voucher issued under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f), including a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher.

(3) "Unbundled parking" means the practice of selling or leasing parking spaces separate from the lease of the residential property.