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AB-628 Hiring of real property: dwellings: untenability. (2025-2026)

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Assembly Bill No. 628

CHAPTER 342

An act to amend Section 1941.1 of the Civil Code, relating to landlords and tenants.

[Approved by Governor October 06, 2025. Filed with Secretary of State October 06, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 628, McKinnor. Hiring of real property: dwellings: untenability.

Existing law requires that any building with a dwelling unit maintain certain characteristics in order to be tenantable, including the maintenance of adequate heating and hot water systems that conform to the standard of quality set by applicable law.

This bill would add a stove and refrigerator that are maintained in good working order and are capable of safely generating heat for cooking purposes and capable of safely storing food, respectively, to the list of characteristics required for the dwelling unit to be tenantable for leases entered into, amended, or extended on or after January 1, 2026. The bill would require a landlord to repair or replace a stove or refrigerator that is subject to recall by the manufacturer or a public entity within 30 days of receiving notice that the stove or refrigerator is subject to recall. The bill would also authorize a tenant and landlord to mutually agree when the lease is signed if the tenant chooses to provide and maintain their own refrigerator, subject to certain conditions. The bill would prohibit the application of these new requirements for certain types of dwelling units, including permanent supportive housing, as defined.

Existing law authorizes a tenant to repair dilapidations rendering their premises untenable if the landlord has neglected to repair those dilapidations, subject to certain conditions, or vacate the premises, as specified.

This bill would provide that the above-described requirement on a landlord to repair or replace a recalled stove or refrigerator does not prohibit a tenant from exercising any remedy authorized as described above.

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

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

SECTION 1. Section 1941.1 of the Civil Code is amended to read:

1941.1. (a) A dwelling shall be deemed untenable for purposes of Section 1941 if it substantially lacks any of the following affirmative standard characteristics or is a residential unit described in Section 17920.3 or 17920.10 of the Health and Safety Code:

- (1) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.

(2) Plumbing or gas facilities that conformed to applicable law in effect at the time of installation, maintained in good working order.

(3) A water supply approved under applicable law that is under the control of the tenant, capable of producing hot and cold running water, or a system that is under the control of the landlord, that produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.

(4) Heating facilities that conformed with applicable law at the time of installation, maintained in good working order.

(5) Electrical lighting, with wiring and electrical equipment that conformed with applicable law at the time of installation, maintained in good working order.

(6) Building, grounds, and appurtenances at the time of the commencement of the lease or rental agreement, and all areas under control of the landlord, kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.

(7) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter and being responsible for the clean condition and good repair of the receptacles under their control.

(8) Floors, stairways, and railings maintained in good repair.

(9) A locking mail receptacle for each residential unit in a residential hotel, as required by Section 17958.3 of the Health and Safety Code. This subdivision shall become operative on July 1, 2008.

(10) Except as provided in subdivision (b), a stove that is maintained in good working order and capable of safely generating heat for cooking purposes. A stove that is subject to a recall by the manufacturer or a public entity is not capable of safely generating heat for cooking purposes. This paragraph shall only apply to a lease entered into, amended, or extended on or after January 1, 2026.

(11) (A) Except as provided in subdivision (b) and subparagraph (B), a refrigerator that is maintained in good working order and capable of safely storing food. A refrigerator that is subject to recall by the manufacturer or a public entity is not capable of safely storing food.

(B) A tenant and landlord may mutually agree when the lease is signed if the tenant chooses to provide and maintain their own refrigerator, provided that all of the following apply:

(i) The lease contains a statement in substantially the following form:

"Under state law, the landlord is required to provide a refrigerator in good working order in your unit. By checking this box, you acknowledge that you have asked to bring your own refrigerator and that you are responsible for keeping that refrigerator in working order."

(ii) The lease provides that the tenant may, with 30 days written notice, inform the landlord that they no longer wish to keep their own refrigerator in the unit, and that at the end of the 30-day notice period, the landlord shall install a refrigerator in good working order in the unit.

(iii) A landlord shall not condition a tenancy upon the tenant providing their own refrigerator.

(iv) The landlord shall not be responsible for the maintenance of a refrigerator provided by the tenant.

(C) This paragraph shall only apply to a lease entered into, amended, or extended on or after January 1, 2026.

(b) The characteristics described in paragraphs (10) and (11) of subdivision (a) shall not apply to any of the following:

(1) Permanent supportive housing, as that term is defined in paragraph (2) of subdivision (c) of Section 8698.4 of the Government Code.

(2) A single-room occupancy unit that provides living and sleeping space for the exclusive use of the occupant, including those in which occupants share food preparation facilities with occupants.

(3) A unit in a residential hotel, as that term is defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code.

(4) A dwelling unit within a housing facility that offers shared or communal kitchen spaces to its residents, including a dwelling unit within an assisted living facility.

(c) (1) A landlord shall repair or replace a stove or refrigerator that is subject to recall by the manufacturer or a public entity, as described in paragraphs (10) and (11) of subdivision (a), within 30 days of receiving notice that the stove or refrigerator is subject to recall.

(2) Nothing in this subdivision shall be construed to prohibit a tenant from exercising any remedy authorized under Section 1942.

(d) Nothing in this section shall be interpreted to prohibit a tenant or owner of rental properties from qualifying for a utility energy savings assistance program, or any other program assistance, for heating or hot water system repairs or replacement, or a combination of heating and hot water system repairs or replacements, that would achieve energy savings.