

The Neighborhood Food Act (AB 2561): Frequently Asked Questions

What is the Neighborhood Food Act?

The Neighborhood Food Act (AB 2561) is a law passed by the California legislature in 2014 that removes some of the barriers **renters** and **members of homeowners' associations (HOAs)** face when trying to grow food for themselves at home.

What does the law do?

The law ensures that landlords and HOAs cannot prohibit people in certain kinds of housing from growing food in their backyards for personal consumption.

Why do we need this law?

As a renter or member of an HOA, there are certain rules and restrictions that apply to what you can and cannot do on the property that you rent or own. Lease agreements and HOA governing documents (called Conditions, Covenants & Restrictions, or CC&Rs) often include clauses that prohibit people from growing food in their yards. The Neighborhood Food Act makes clear that landlords and HOAs must allow food cultivation for personal consumption in certain situations.



What is an HOA?

An HOA is a nonprofit organization that manages common interest developments like condominium projects, planned housing developments, and community apartments. Individual homeowners who live in a common interest development are generally called members.

Does the Neighborhood Food Act apply to me?

If you are a renter and you live on a property with a building with two or less units, then this law applies to you.

If you are a member of an HOA and have a yard that is for your exclusive use, then this law applies to you.

What kind of food can I grow?

If you are a renter, this law provides that a landlord cannot prohibit you from growing any edible fruits or vegetables.

If you are a member of an HOA, this law says nothing about the types of food you may grow.

Where can I grow food at home?

If you are a renter, you cannot be prohibited from growing food in portable containers and in areas of your backyard that your landlord approves. In-ground cultivation is okay as long as you get your landlord's approval.

If you are a member of an HOA, you cannot be unreasonably restricted from growing food in any yard area that is for your exclusive use.

Can I sell the food I grow at home?

Maybe. Whether you can sell food that you grow at home is generally governed by local city or county law, and the Neighborhood Food Act doesn't change any of those laws. To learn more about growing food for sale, check out the Legal Eats Guide created by SELC. You can

download the manual at www.theselc.org/legal-guides. You should also contact your local planning and environmental health agencies to find out if food sales are allowed as a home occupation.

Does this mean that I cannot grow food at home unless I get my landlord's or HOA's approval?

No! It is very important to understand that this law **does not** prescribe *the only* means by which you can grow food at home. **If you are a renter**, check your lease to see whether food growing is prohibited. If it isn't, then you are free to do so without your landlord's approval! **If you are an HOA member**, check your CC&Rs. If they don't say anything about growing food on your property, then you are free to do so!



An important note for renters! If you decide to rip up the lawn in the backyard to lay down a row of carrots, keep in mind that you will likely have to replace the lawn before you leave to avoid paying for the "damage" done to the property. So, it's always a good idea to check with your landlord to see how they feel about that kind of alteration to the yard in order to grow food.

I am a landlord or manage an HOA and I want to make sure my tenants and members can grow food. What do I need to do?

If you are a landlord, make sure that the lease agreement does not prohibit growing food or other use of the yard space. If it does, you can enter into a separate written agreement with your tenants, called a modification or addendum, expressly allowing them to grow food and specify that cultivation of food in the yard is not considered "damage" that needs to be repaired upon termination of the lease. The tenants, in return, can agree to keep the yard clean, free of pests, and agree not to use synthetic chemicals. Remember that both parties have to sign and date the modification to ensure that it is enforceable and legally binding!

If you manage an HOA, read through the CC&Rs and make sure that members are allowed to grow food in exclusive use areas. Publicize the policy allowing cultivation in any monthly or quarterly newsletters that you send out to members. If there is a restriction, you can propose that the members vote on whether to adopt an amendment that removes the restriction.

Can I donate the food I grow at home?

Yes. California law allows people to donate food to **nonprofit charitable organizations**. Most food banks and food pantries are nonprofit charitable organizations, as are many homeless shelters, domestic violence shelters, and religious establishments.

Does this mean that everyone now has the legal right to grow food for personal consumption?

Not quite, but it's a step in that direction! Many more people now have the right to grow food as a result of the Neighborhood Food Act, and at SELC we believe that **everyone** should have the right to grow their own food. To find out more about how SELC is working to transform the food system into one that is equitable and sustainable, visit www.theselc.org/food.