12 Summary of California Law (10th), Real Property

I. IN GENERAL
   A. [§1] Restatement and Texts.
   D. Conflict of Laws.
      1. [§4] In General.
      2. Conveyances.
         (a) [§5] Validity and Effect.
         (b) [§6] Interpretation and Construction.

II. ESTATES
   A. In General.
      1. [§9] Nature of Estates in Real Property.
      2. [§10] Classification of Estates.
      5. Interpretation of Conveyances.
         (a) [§13] Contract Rules Apply.
         (b) [§14] Interest Passing.
         (c) [§15] Operative Words of Conveyance.
   B. Freehold Estates.
      1. Estates of Inheritance.
         (a) [§16] In General.
         (b) [§17] Fee Simple Absolute.
         (c) Fee Subject to Condition Subsequent.
            (1) [§18] Nature of Estate.
            (2) [§19] Construction To Avoid Forfeiture.
            (3) [§20] Breach, Termination, and Waiver.
            (4) [§21] Rights of Owner.
      2. Life Estates.
         (a) Creation of Life Estates.
            (1) [§22] By Deed.
            (2) [§23] By Will.
         (b) Rights and Powers of Life Tenant.
            (1) [§24] Possession, Use, and Actions.
            (2) [§25] Crops.
            (3) [§26] Insurance and Condemnation Award.
            (4) [§27] Compensation for Permanent Improvements.
            (5) [§28] Conveyance and Partition.
            (6) [§29] Power To Consume Corpus.
         (c) Duties and Liabilities of Life Tenant.
            (1) [§30] In General.
            (2) [§31] Waste and Permissible Use.
C. Ownership by Several Persons.

1. [§32] In General.

2. Joint Tenancy.
   (a) Nature of Joint Tenancy.
      (1) [§33] In General.
      (2) [§34] Right of Survivorship.
   (b) [§35] Creation of Joint Tenancy.
   (c) Nature of Interest Held in Joint Tenancy.
      (1) [§36] Equitable Interest.
      (2) [§37] Undivided Interest.
      (3) [§38] Life Estate in Joint Tenancy.

3. Tenancy in Common.
   (a) [§39] In General.
   (b) [§40] Failure of Joint Tenancy.

4. Rights, Powers, and Obligations of Cotenants.
   (a) Possession and Use.
      (1) [§41] In General.
      (2) Establishing Ouster.
         (aa) [§42] Law Revision Commission Recommendation.
         (bb) [§43] Statutory Procedure.
         (cc) [§44] Conduct of Cotenant in Possession.
   (b) [§45] Insurance.
   (c) [§46] Protection Against Third Persons.
   (d) [§47] Contribution.
   (e) [§48] Compensation.
   (f) [§49] Accounting for Rents and Profits.
   (g) Agreements and Transfers.
      (1) [§50] In General.
      (2) [§51] Lease.
      (3) [§52] Easement or License.
      (4) [§53] Homestead.

5. Termination of Cotenancy.
   (a) Severance by Joint Tenant.
      (1) [§54] Agreement With Other Joint Tenant.
      (2) Conveyance to Third Person.
         (aa) [§55] Tenancy in Common With Third Person.
         (bb) [§56] Joint Tenancy With Other Tenants.
      (3) [§57] Rescission of Decedent's Conveyance.
      (4) [§58] Joint Tenant's Conveyance to Self.
      (5) [§59] Unilateral Termination of Homesteaded Property.
      (6) Recorded Conveyance or Declaration.
         (aa) [§60] Nature and Purpose of Statute.
         (bb) [§61] Methods of Severance.
         (cc) [§62] Recordation.
(b) §64] Death of Joint Tenant.
(c) Partition by Cotenants.
   (1) §65] Nature of Partition.
   (2) §66] General Provisions.
   (3) Commencement of Action.
      (aa) §67] Parties.
      (bb) §68] Complaint and Lis Pendens.
      (cc) §69] Summons.
      (dd) §70] Answer.
(4) Trial.
      (aa) §71] Determination of Interests.
      (bb) §72] Determination of Right To Partition.
      (cc) §73] Waiver of Right.
      (dd) §74] Determination of Manner of Partition.
      (ee) §75] Interlocutory Judgment.
(5) Referees.
      (aa) §76] Appointment.
      (bb) §77] Authority of Referee.
(6) §78] Division of Property.
(7) Sale of Property.
      (aa) §79] Procedure.
      (bb) §80] Consummation of Sale.
      (cc) §81] Disposition of Proceeds.
(8) §82] Partition by Appraisal.
(9) §83] Costs of Partition.
(10) §84] Judgment.

   (a) Nature and Regulation.
      (1) §85] Common Interest Development Act.
      (2) §86] Other Statutes.
      (3) §87] Commentary and Uniform Acts.
   (b) Definitions.
      (1) §88] Common Interest Development.
      (2) §89] Condominium, Condominium Plan, and Condominium Project.
      (3) §90] Community Apartment Project.
      (4) §91] Stock Cooperative.
      (5) §92] Planned Development.
      (6) §93] Separate, Common, and Exclusive Areas.
   (c) Governing Documents.
      (1) §94] In General.
      (2) §95] Declaration.
      (3) §96] Operating Rules.
   (d) Managing Association.
      (1) §97] Creation and Status.
(1a) §§97A (New) Delivery of Documents to and From Association.
(2) §§98 Financial Statements.
(3) §§99 Insurance Summary.
(3a) §§99A (New) Annual Policy Statement.
(4) §§100 Managing Agent.
(5) §§101 Association Meetings and Records.
(5a) §§101A (New) Voter Approval and Association Elections.
(6) §§102 Common Interest Development Manager.
(7) Maintenance of Development.
   (aa) §§103 Association's Responsibility.
(8) Actions by and Against Association.
   (aa) §§105 Standing To Sue.
   (bb) §§106 Property Damage.
   (cc) §§107 Tort Liability.
(e) Assessments.
   (1) §§108 Authority.
   (2) §§109 Increases.
   (3) §§110 Penalties.
   (4) §§111 Delinquent Assessments.
   (5) §§112 Liens.
      (aa) §§112A (New) Lower Value and Shorter Delinquency.
      (bb) §§112B (New) Higher Value or Longer Delinquency.
(f) §§113 Partition.
(g) Owners' Compliance With Covenants and Restrictions.
   (1) §§114 Requirement of Reasonableness.
   (2) Particular Restrictions.
      (aa) §§115 Pets.
      (bb) §§116 Age.
      (cc) §§117 Common Areas.
      (dd) §§118 Improvements and Modifications.
      (ee) §§119 Voting Rights.
      (ff) §§120 Transfer Rights.
      (gg) §§121 Other Restrictions.
   (3) §§122 Parties to Enforcement.
   (4) §§123 Statute of Limitations.
   (5) §§124 Attorneys' Fees.
   (6) §§125 Alternative Dispute Resolution.
(h) §§126 Liens for Labor and Materials.

D. Future Interests.
   1. §§127 In General.
2. Reversionary Interests.
   (a) [§128] Reversion.
   (b) Power of Termination.
      (1) [§129] Terminology.
      (2) [§130] Enforcement of Building Restrictions.

3. Remainders.
   (a) [§131] Nature of Remainder.
   (b) [§132] Executory Interests.
   (c) Vested Remainders.
      (1) [§133] What Constitutes Vested Remainder.
      (2) [§134] Remainder Indefeasibly Vested.
      (3) [§135] Remainder Vested Subject to Open.
      (4) [§136] Remainder Vested Subject to Complete Defeasance.
   (d) Contingent Remainders.
      (1) [§137] Nature of Contingent Interest.
      (2) [§138] Doctrine of Destructibility Abolished.
      (3) [§139] Acceleration.
      (4) [§140] Condition Precedent Though Remainderperson Ascertained.
      (5) [§141] Unascertained Remainderperson.
   (e) [§142] Presumption of Vested Remainder.
   (f) Rights of Remainderperson.
      (1) [§143] Against Life Tenant.
      (2) [§144] Against Third Parties.

   (a) [§145] Nature of Powers.
   (b) Powers of Appointment Act.
      (1) [§146] Statutory Development.
      (2) [§147] Definitions.
      (3) [§148] Common Law Preserved.
   (c) Classification.
      (1) [§149] General and Special Powers.
      (2) [§150] Testamentary and Presently Exercisable Powers.
      (3) [§151] Imperative and Discretionary Powers.
   (d) [§152] Creation of Powers.
   (e) Exercise of Powers.
      (1) [§153] Donee's Capacity.
      (2) [§154] Donee's Authority.
      (3) Donee's Intent.
         (aa) [§155] In General.
         (bb) [§156] Residuary Clause or General Language.
      (4) Types of Appointments.
         (bb) [§159] Exclusive and Nonexclusive Powers.
      (5) [§160] Revocability.
(f) [§161] Contract To Appoint.
(g) Release of Power.
   (1) [§162] Authority and Limitations.
   (2) [§163] Procedure.
(h) Ineffective or No Appointment.
   (1) [§164] In General.
   (2) [§165] Failure To Make Effective Appointment.
   (3) [§166] Death of Appointee Before Appointment.
(i) Rights of Creditors Under General Power.
   (1) [§167] Creditors of Donee.
   (2) [§168] Creditors of Donor.

6. [§170] Principal and Income Law.

E. Perpetuities.
2. [§172] Restatement.
   (a) [§173] Constitution and Early Statutes.
   (b) [§174] Reform Proposals.
   (c) Adoption of Uniform Statutory Rule Against Perpetuities.
      (1) [§175] In General.
      (2) [§176] Law Revision Commission Recommendation.
      (3) [§177] Common Law Superseded.
   (a) [§178] Validity of Nonvested Interests.
   (b) [§179] Validity of Powers of Appointment.
   (c) [§180] Relevant and Validating Lives.
   (d) [§181] Disregarding Possibility of Birth of Child.
5. [§182] Construction of "Later of" Language in Perpetuity Saving Clause.
6. Time of Creation of Interest.
   (a) [§183] General Rule.
   (b) [§184] Postponement.
   (c) [§185] When Interest Arises From Transfer to Trust or Other Arrangement.
7. [§186] Reformation.
8. Exclusions From Statutory Rule Against Perpetuities.
   (a) [§187] Nondonative Transfers.
   (b) [§188] Other Exclusions.
   (c) [§189] Other Limitations on Excluded Transactions.

F. Validity of Conditions Restricting Property Interests.
1. Conditions and Covenants Restraining Alienation.
   (a) [§190] Rule Against Restraints.
   (b) [§191] Restatement.
   (c) [§192] Types of Invalid Restraints.
   (d) [§193] Partial Restraints.
   (e) Exceptions.
(1) [§194] Life Estate or Estate for Years.
(2) [§195] Preemptive Provision or Repurchase Option.
(3) [§196] Other Reasonable Restraints.

2. Restraints on Marriage.
   (a) [§197] Void Condition Against Marriage.
   (b) [§198] Valid Limitation Until Marriage.

3. Restraints on Use.
   (a) [§199] Valid Restraints Against Particular Uses.
   (b) Restraints Against Persons.
      (2) [§201] California Statute.
      (3) [§202] Expanded Scope of Rule.
   (c) [§203] Restriction Against For Sale Sign on Property.

III. TITLES
   A. In General.
      2. [§205] Methods of Acquisition.
      3. [§206] Capacity To Acquire and Transfer Land.
      4. [§207] Proof of Title by Nonpossessor.
      5. [§208] Possession as Evidence of Title.
      6. Governmental Ownership of Tidelands.
         (a) [§209] Federal Rights.
         (b) [§210] State Rights.
         (c) [§211] Grant of Tidelands to Municipality.
   B. Adverse Possession.
      1. [§212] In General.
      2. Property Not Subject to Adverse Possession.
         (a) [§213] Public Property.
         (b) [§214] Property Dedicated to Public Use.
      3. Elements of Adverse Possession.
         (a) [§215] Actual, Open, and Notorious Occupation.
         (b) Hostile or Adverse Claim.
            (1) [§216] In General.
            (2) [§217] Mortgagor and Mortgagee.
            (3) [§218] Vendor and Purchaser, Grantor and Grantee.
            (4) Cotenants.
               (aa) [§219] Possession Is Normally Not Adverse.
               (cc) [§221] Ouster of Other Tenant.
            (5) [§222] Life Tenant and Remainderperson.
         (c) Color of Title or Claim of Right.
            (1) Color of Title.
               (aa) [§223] What Constitutes Color of Title.
               (bb) [§224] Sufficiency of Possession.
            (2) Claim of Right.
               (aa) [§225] What Constitutes Claim of Right.
(bb) [§226] Sufficiency of Possession.

(d) Continuous and Uninterrupted Possession for 5 Years.
   (1) [§227] Continuous Possession.
   (2) [§228] Tacking.
   (3) [§229] Laches Does Not Bar claim of Adverse Possession.

(e) Payment of Taxes.
   (1) [§230] In General.
   (2) [§231] Continuous Payment for 5 Years.


5. Action by True Owner for Recovery.
   (a) [§233] Showing of Seisin or Possession.
   (b) [§234] Commencement of Limitations Period.
   (c) [§235] Disabilities.

C. Accretion.
   1. [§236] In General.
   3. [§238] State's Right.

D. Dedication.
   1. In General.
      (a) [§239] Nature of Dedication.
      (b) [§240] Distinctions.
   2. Form of Offer and Acceptance.
      (a) Common Law Dedication.
         (1) [§241] Offer.
         (2) [§242] Formal Acceptance or Use.
         (3) [§243] Formal Acceptance Required for Public Liability.
      (b) Dedication Under Subdivision Map Act.
         (1) [§244] In General.
         (2) [§245] Nature of Public Title.
         (3) [§246] Rejection and Revocation.
         (4) [§247] Reversion to Acreage.
      (c) [§248] Dedication Under Other Statutes.
      (d) Adverse Use by Public.
         (1) [§249] Judicial Rule of Implied Dedication.
         (2) [§250] Statutory Limitations.
   3. Use Must Conform to Purpose.
      (a) Private Dedication to Public Entity.
         (1) [§251] Improper Use.
         (2) [§252] Proper Use.
      (b) [§253] Public Entity's Dedication of Its Own Property.

E. Deeds.
   1. [§254] Requisites of Deed.
   2. Principal Types of Deeds.
      (a) [§255] Quitclaim Deed.
      (b) Grant Deed.
         (1) [§256] Nature of Grant.
(2) §257 Implied Covenants.

(c) §258 Warranty Deed.

   (a) §259 Capacity.
   (b) §260 Undue Influence.
   (c) §261 Mistake or Fraud.
   (d) §262 Consideration.
   (e) §263 name.
   (f) §264 Conveyance in Different Name.
   (g) §265 Adjudication of Identity.

   (a) §266 In General.
   (b) §267 Unincorporated Association.

5. Execution.
   (a) §268 Writing and Subscription.
   (b) §269 Blank Deed.
   (c) §270 Forged Deed.

6. Description of Property.
   (a) §271 Methods of Description.
   (b) §272 Presumption of Ownership to Center Line.
   (c) Land Bounded by Highway.
      (1) §273 General Rule.
      (2) §274 Distinctions.
   (d) Land Bordering on Waters.
      (1) §275 General Rule.
      (2) §276 Land Subject to Public Trust.
   (e) §277 Resolving Uncertainties.

   (a) Agreement and Acquiescence.
      (1) §278 General Rule.
      (2) §279 Implied Agreement.
      (3) §280 Where Property Is Not Solely Owned.
   (b) Uncertainty and Mistake.
      (1) §281 Uncertainty Is Sufficient.
      (2) §282 Where No Uncertainty Existed.

8. Acknowledgment.
   (a) §283 Nature of Requirement.
   (b) Formal Requisites.
      (1) §284 Form of Acknowledgment.
      (2) §285 Knowledge of Officer.
      (3) §286 Multiple Acknowledgments.
      (4) §287 Thumbprint Requirement.
   (c) Officers Who May Acknowledge.
      (1) §288 In General.
      (2) §289 Appointment and Authority of Notaries.
      (3) §290 Liability of Notary and Sureties.
   (a) [§291] In General.
   (b) Intention To Pass Title.
      (2) [§293] Circumstances of Transaction.
      (3) [§294] Subsequent Acts and Declarations of Grantor.
      (4) [§295] Presumptions and Inferences.

    (a) Attempted Conditional Delivery to Grantee.
        (1) [§297] No Delivery.
        (2) [§298] Unconditional Delivery.
    (b) Conditional Delivery to Third Person.
        (1) [§299] Death of Grantor as Condition.
        (2) [§300] Survivorship as Condition.
    (c) Escrow.
        (1) [§301] Nature of Escrow.
        (2) [§302] Escrow Agents.
        (3) Escrow Holder as Agent.
           (aa) [§303] Agent for Parties.
           (bb) [§304] Limited Agency.
           (cc) [§305] Liabilities.
    (5) Performance and Discharge.
        (aa) [§307] Performance by Grantee.
        (bb) [§308] Performance by Grantor.
        (cc) [§309] Remedies for Default.
        (dd) [§310] Liability for Refusal To Effect Release of Funds.
    (6) Effect on Title and Incidents.
        (aa) [§311] Grantor's Title During Escrow.
        (bb) [§312] Relation Back of Grantee's Title.
        (cc) [§313] Unauthorized Delivery to Grantee.

11. Acceptance.
    (a) [§314] Requirement of Acceptance.
    (b) [§315] Exceptions.

12. Recordation.
    (a) Instruments That May Be Recorded.
        (1) [§316] Instruments Affecting Title or Possession.
        (2) [§317] Documents Requiring Prescribed Information.
        (3) [§318] Unusual Instruments.
    (b) [§319] General Requirements.
    (c) [§320] Fees.
    (d) [§321] Recording Methods.
    (e) Copying and Indexing.
§323 Necessity of Actual Copying.

§324 Necessity of Correct Indexing.

(f) §325 Effect of Proper Recordation.

(g) §326 Recordation Outside Chain of Title.

(g-1) §326A (New) Recordation of False or Forged Instrument.

(h) Effect of Failure To Record.

(1) §327 Rule of Prior Recordation.

(2) Bona Fide Purchaser.

(aa) §328 What Constitutes Bona Fide Purchase.

(bb) §329 Bona Fide Encumbrancer.

(cc) §330 Transferee From Bona Fide Purchaser.

(dd) §331 Notice.

(ee) §332 Knowledge of Lease.

(3) §333 Judgment Creditor in Action Affecting Title.


(a) §334 In General.

(b) §335 Effect of Recording Statute.

F. Marketable Record Title.


2. §337 Enactment of Marketable Record Title Statute.

3. Interests Covered by Statute.

(a) §338 Ancient Mortgages and Deeds of Trust.

(b) §339 Unexercised Options.

(c) Powers of Termination.

(1) §340 Definitions.

(2) §341 Expiration.

(3) §342 Exercise.

(4) §343 Operative Date of Provisions.

(d) §344 Unperformed Contracts for Sale of Real Property.

(e) Dormant Mineral Rights.

(1) §345 Need for Legislation.

(2) §346 Statutory Provisions.

(f) Abandoned Easements.

(1) §347 Need for Legislation.

(2) §348 Statutory Provisions.

4. Preservation of Interest by Notice.

(a) §349 Recordation of Notice.

(b) §350 Content and Form of Notice.

(c) §351 Slander of Title by Recording.

G. Title Insurance.

1. §352 Nature and Distinctions.

2. §353 Title Companies.

3. §354 Construction of Title Policy.

4. §355 Coverage of Standard Policy.

5. Excluded Risks of Standard Policy.

(a) §356 In General.
(b) [§357] Risks Unintentionally Created by Insured.

6. [§358] Special Indorsements and Extended Coverage.

7. Liability for Breach.
   (a) What Constitutes Title Defect.
       (1) [§359] Illustrations.
       (2) [§360] Distinctions.
   (b) [§361] Measure of Recovery.
   (c) Tort Liability for Negligence.
       (1) [§362] In General.
       (2) [§363] Distinction: Preparation of Preliminary Title Report.
   (d) Conditions and Defenses.
       (1) [§364] In General.
       (2) [§365] Cooperation and Duty To Defend.
       (3) [§366] Contributory Fault.
   (e) [§368] Subrogation.

H. [§369] Repeal of Torrens (Title Registration) Law.

IV. RIGHTS INCIDENTAL TO POSSESSION

A. Waste.
   1. [§370] Prohibition and Remedies.

B. Adjoining Landowners.
   1. [§373] In General.
   2. Encroachment of Tree.
      (a) [§374] In General.
      (b) [§375] Injunction and Damages.
   3. [§376] Encroachment of Building.
   5. Support for Buildings.
      (a) [§378] In General.
      (b) [§379] Deep Excavations.
      (c) [§380] Excavator's Protective Efforts.

V. RIGHTS IN THE LAND OF ANOTHER

A. Easements and Profits.
   1. Nature of Easement.
      (a) [§382] Definition and Distinctions.
      (b) [§383] Appurtenant and in Gross.
      (c) [§384] Typical Easements.
      (d) [§385] Solar Easement.
      (e) [§386] Conservation Easement.
      (f) [§387] Profits.
   2. Creation of Easements.
      (a) Express Grant or Reservation.
         (1) [§388] In General.
(2) [§389] Instruments Construed To Create Easements.
(3) [§390] Instruments Construed as Grants of Fee.
(4) [§391] Instrument Construed as Invalid Exculpatory Agreement.

(b) Implied Grant.
(1) [§392] Kinds of Transfers.
(2) Conditions Governing Implication.
   (aa) [§393] Obvious and Permanent Use.
   (bb) [§394] Reasonable Necessity.
   (cc) [§395] Representations Accompanying Sale.

(3) [§396] No Implied Easement of Light and Air.
(c) [§397] Implied Reservation.
(d) Way of Necessity.
   (1) [§398] Right to Easement.
   (2) [§399] Limitations on Doctrine.
(e) [§400] Condemnation or Judgment for Damages.
(f) Prescription.
   (1) [§401] Elements of Prescriptive Right.
   (2) [§402] Issues and Proof.
   (3) [§403] Hostile or Adverse Use.
   (4) [§404] Permissive Use.
   (5) [§405] No Duty To Compensate Owner of Property.
(g) [§406] Recorded Covenant.

3. Extent of Use.
   (a) Express Grant or Reservation.
      (1) [§407] In General.
      (2) [§408] Use Fixing Limits.
      (3) [§409] Relocation.
      (4) Improvement of Right-of-Way.
         (aa) [§410] Repairs and Improvements.
         (bb) [§411] Modernization of Use.
      (5) Rights Retained by Servient Owner.
         (aa) [§412] Right To Use Property.
         (bb) [§413] Grant of Right to Others.
   (b) [§414] Implied Grant.
   (c) Prescription.
      (1) [§415] General Rule Limiting Extent to Actual Use.
      (2) [§416] Exception for Permissible Changes.
      (3) [§417] Propriety of Exclusive Prescriptive Easement.

4. Duty To Maintain Property.
   (a) [§418] In General.
   (b) [§419] Jointly Owned Easement.

5. [§420] Transferability and Succession.

6. Termination of Easement.
   (a) [§421] Release or Merger.
   (b) Abandonment.
(1) [§422] Private Easement.
(2) [§423] Public Easement.
(c) [§424] Nonuse.
(d) [§425] Prescription.
(e) [§426] Incompatible Act of Easement's Owner.
(f) Destruction of Servient Tenement.
   (1) [§427] Involuntary Destruction.
   (2) [§428] Voluntary Destruction.

B. Licenses.
1. [§429] Revocable Licenses.
2. [§430] Irrevocable Licenses.

C. Covenants Running With the Land.
1. In General.
   (a) [§431] Nature of Covenant.
   (b) [§432] Personal Covenant.
   (c) [§433] Running Covenant.
2. Essentials of Running Covenant.
   (a) [§434] Intention That Covenant Run.
   (b) [§435] Relation to Land.
   (c) [§436] Succession to Interest of Original Party.
3. Covenants in Grants and Between Owners in Fee.
   (a) [§437] Former Privity Requirement.
   (b) [§438] Abrogation of Privity Requirement.
   (c) [§439] Present Law.

D. Equitable Servitudes.
   (a) [§440] California Law.
   (b) [§441] Restatement.
2. Legality and Reasonableness of Restrictions.
   (a) [§442] In General.
   (b) [§443] Building Restrictions.
   (c) [§444] No Prohibition of Solar Energy Systems.
   (d) [§445] Affirmative Burdens.
   (e) [§446] Approval of Construction Plans.
4. Requisites for Enforcement.
   (a) [§448] Notice to Grantee.
   (b) [§449] Express Statement of Common Plan.
   (c) [§450] Designation of Tract.
5. Denial of Equitable Enforcement.
   (a) [§451] In General.
   (b) [§452] Plaintiff Without Interest.
   (c) [§453] Omission, Abrogation, or Disregard of Restrictions.
   (d) Changed Conditions.
      (1) [§454] Enforcement Denied.
      (2) [§455] Insufficient Change.
(e) [§456] Change in Law and Policy.


E. Rights of Innocent Improver.

1. [§458] In General.

2. Recovery of Value.
   (a) [§459] Nature and Scope of Statute.
   (b) [§460] Considerations Determining Relief.
   (c) [§461] Equitable Lien and Lis Pendens.

3. [§462] Other Relief.

VI. SALES AND TRANSFERS OF RESIDENTIAL REAL PROPERTY

A. Implied Warranty in Sale.

1. [§463] Sellers of New Construction.


B. Disclosure Regarding Agency Relationship.

1. [§465] Statutory Development.

2. [§466] Definitions.

3. [§467] Providing Disclosure Form to Buyer and Seller.


5. [§469] Disclosure of Exclusive or Dual Agency.


C. Disclosures Regarding Condition of Property.

1. [§471] Types of Disclosures.

2. Broker's Duty To Inspect and Disclose.
   (a) [§472] Creation of Duty.
   (b) [§473] Nature of Duty.
   (c) [§474] Scope of Inspection.
   (d) [§475] Disclosure of Information in Booklets.
   (e) [§476] Statute of Limitations.
   (f) [§477] Insurance Coverage.
   (g) [§478] Broker's Action Against Home Inspection Company.

3. Transferor's and Broker's Duties To Disclose.
   (a) In General.
      (1) [§479] Nature of Requirement.
      (2) [§480] Included Transfers.
      (3) [§481] Excluded Transfers.
      (4) [§482] No Waiver of Disclosure Requirements.
   (b) Standard Disclosure Statement.
      (1) [§483] Content and Intended Use.
      (2) [§484] Environmental Hazards.
      (3) [§485] Delivery of Statement.
   (c) Disclosure of Natural Hazards.
      (1) [§486] Types of Hazards.
      (2) [§487] Natural Hazard Disclosure Statement.
   (d) Additional Statements.
      (1) [§489] Local Option Statement.
(2) [§490] Manufactured Home Statement.
(3) [§491] Continuing Lien Securing Facilities Tax or Bonds.
(3a) [§491A] (New) Notice of Supplemental Tax Bill.
(3b) [§491B] (New) Notice of Transfer Fee.
(4) [§492] Location of Sex Offenders.
(6) [§493A] (New) Location of Gas and Hazardous Liquid Transmission Pipelines.

(e) Compliance With Disclosure Requirements.
   (1) [§494] In General.
   (2) [§495] Sanctions for Noncompliance.

D. Home Inspections.
   1. [§496] Regulation of Inspectors.

E. Appraisals of Real Property.
   2. [§499] Administration.
   3. [§500] Conduct of Appraisal Practice.


VII. LANDLORD AND TENANT RELATIONSHIP


B. Types of Tenancy.
   1. Estate for Years.
      (a) [§504] Nature of Estate.
      (b) [§505] Definite Period Required.
      (c) [§506] Lessor's Transfer and Tenant's Attornment.
   2. [§507] Tenancy at Will.
   3. [§508] Periodic Tenancy.
   4. Tenancy at Sufferance.
      (a) [§509] Landlord's Election.
      (b) [§510] Express Provision in Lease.

C. Other Relationships Distinguished.
   1. [§511] Sale of Property.
   2. [§512] License.
   3. Proprietor and Guest or Lodger.
      (a) [§513] In General.
      (b) [§514] Statutory Rights of Lodger.
   5. [§516] Tenants as Consumers.

D. Leases.
   1. Nature and Requisites of Lease.
      (a) [§517] Dual Nature.
      (b) [§518] Legality of Object.
      (c) [§519] Form.
      (d) [§520] Execution and Delivery.
(e) §521 Identification of Property Owners or Managers.
(f) §522 Agreement To Lease.
(g) §523 Particular Leases and Provisions.

2. Term.
   (a) §524 Specification in Instrument.
   (b) §525 Statutory Restrictions.

3. §526 Changes in Short-Term Leases.

4. Renewal.
   (a) §527 Distinction Between Renewal and Extension.
   (b) Lessee's Option To Renew.
      (1) §528 In General.
      (2) §529 Terms Left for Future Agreement.
      (3) §530 First Right of Refusal.
      (4) §531 Manner of Exercise.
   (c) §532 Provision for Automatic Renewal.

5. Lessee's Option To Purchase.
   (a) §533 Nature and Types of Options.
   (b) §534 Exercise.
   (c) §535 Preemptive Rights.
   (d) §536 Effect of Extension or Renewal of Lease.

6. Assignment and Sublease by Tenant.
   (a) §537 Right To Assign or Sublease.
   (b) Effect of Assignment.
      (1) §538 Liability of Original Lessee.
      (2) §539 Liability of Assignee Who Assumes.
      (3) §540 Liability of Assignee Who Does Not Assume.
   (c) Effect of Sublease.
      (1) §541 Subordinate to Main Lease.
      (2) §542 Liability of Sublessee to Lessor.
      (3) §543 Liability of Lessor to Sublessee.
      (4) §544 Sublease for Balance of Term.
      (5) §545 Lease Provisions Are Not Incorporated.
   (d) Condition or Covenant Against Assignment or Sublease.
      (1) §546 Effect of Condition.
      (2) §547 Distinction: Devise by Lessee.
      (3) §548 Rule in Dumpor's Case.
      (4) §549 Construction Against Forfeiture.
      (5) §550 Assignment or Sublease by Corporate Lessee.

7. Restriction on Transfer of Commercial Lease.
   (a) Development of Law.
      (1) §551 Majority and Minority Rules.
      (2) §552 Adoption of Minority Rule.
      (3) §553 Codification.
   (b) §554 Commercially Reasonable Objection.
   (c) Tenant's Right To Transfer.
      (1) §555 Authorized Restrictions on Right.
(2) [§556] Illustration of Permissible Restraint on Right.
(d) Remedies for Breach of Assignment or Sublease Covenant.
   (1) [§557] Adoption of Statute.
   (2) [§558] Remedies for Unreasonably Withholding Consent.
   (3) [§559] Remedies for Transfer in Violation of Restriction.
   (4) [§560] Rule in Dumpor's Case Abolished.

8. Restriction on Use of Commercial Property.
   (a) [§561] Nature and Scope of Statute.
   (b) [§562] Lease Provision.
   (c) [§563] Change in Use.
   (d) [§564] Effect of Restriction on Remedies for Breach.

9. Additional Covenants in Lease.
   (a) [§565] Express Covenants.
   (b) [§566] Implied Covenants.


VIII. RENT
A. In General.
   2. [§569] Form and Determination of Payment.
B. Apportionment of Rent.
   2. [§571] When Apportionment Is Authorized.
C. Rent Control.
   1. [§572] Nature and Scope of Regulations.
   2. Preemption of Rent Control Ordinances.
      (a) By State Law.
         (1) [§573] In General.
         (2) [§574] Single Family Dwellings, New Construction, and
                   Vacancy Controls.
         (3) [§575] Commercial Rent Control Prohibited.
      (b) [§576] By Federal Regulation.
   3. Validity of Regulations.
      (a) [§577] Due Process and Related Challenges.
      (b) [§578] Antitrust Challenges.
      (c) [§579] Contract Clause Challenges.
      (d) [§580] Takings Clause Challenges.
      (e) [§580A] (New) Free Speech Challenges.
   4. Establishing Amount of Rent.
      (a) [§581] Establishing and Certifying Rent Levels.
      (b) Fair Return on Investment.
         (1) [§582] Constitutional Requirement.
         (2) [§583] Effect of Financing Terms.
         (3) [§584] Long-Term Appreciation.
         (4) [§585] Denial of Fair Return as Taking.
         (5) [§586] Base Date Rents.
         (6) [§587] Expanded Authority To Provide Fair Return.
5. Tenant's Remedies for Rent Control Violations.
   (a) [§590] Where Excess Rent Was Charged.
   (b) [§591] Where Tenant Was Improperly Evicted for Owner Occupancy.
   (c) [§592] Landlord's Good Faith Defense.
   (d) [§593] Constitutional Limits on Administrative Sanctions.
   (e) [§594] Violation as Defense in Unlawful Detainer Action.

   (a) [§595] Damages for Denial of Fair Return.
   (b) [§596] Damages for Overly Burdensome Rent Review Proceedings.
   (c) [§597] Expenses, Fees, and Costs.

7. Landlord's Right To Discontinue Renting.
   (a) [§598] Compulsion To Rent Is Prohibited (Ellis Act).
   (b) [§599] Other Acts and Powers of Entity Are Not Affected.
   (c) [§600] Withdrawn Property Later Offered for Rent.
   (d) [§601] Demolished Property Later Replaced and Offered for Rent.
   (e) Notices.
      (1) [§602] By Public Entity to Owner's Successor in Interest.
      (2) [§603] By Owner Who Withdraws Property.
      (3) [§604] By Owner Who Demolishes Property.
   (f) [§605] Procedure for Adoption of Regulation.
   (g) [§606] Noncompliance as Defense in Unlawful Detainer Action.

IX. OTHER RIGHTS AND LIABILITIES OF LANDLORDS AND TENANTS

A. Possession.
   1. [§607] Estoppel To Deny Landlord's Title.
   2. [§608] Delivery of Possession.
   3. [§609] Landlord's Entry into Dwelling.
   5. Constructive Eviction.
      (a) [§611] General Principles.
      (b) [§612] Wrongful Notice of Termination.
      (c) [§613] Other Conduct.
      (a) [§614] Original Statute.
      (b) [§615] Expanded Statute.
      (c) [§616] Landlord's Use of Theft, Extortion, or Force.
      (d) [§616A] (New) Inquiries Regarding Immigration Status.
      (e) [§616B] (New) Prohibition Against Posting or Displaying Political Sign.

B. Fitness for Use and Repairs.
   1. [§617] In General.
   2. [§618] Lessor's Covenant To Repair.
   3. Lessor's Statutory Duty To Repair.
      (a) [§619] Nature of Duty.
(b) [§620] Tenant's Remedies.
(c) [§621] When Dwelling Is Deemed Untenantable.
(d) [§622] When Tenant's Violation Excuses Duty.
(e) [§623] Waiver and Arbitration.

4. Implied Warranty of Habitability.
   (a) Development of Doctrine.
   (1) [§624] Rejection of Common Law.
   (2) [§625] Doctrine as Defense to Unlawful Detainer Action.
   (3) [§626] Restatement 2d.
   (b) [§627] Action for Damages.
   (c) [§628] Occupancy With Knowledge Does Not Waive Warranty.
   (d) [§629] Landlord Is Not Entitled to Time To Correct Defects.
   (e) [§630] Defects Existing Under Former Owner.
   (f) [§631] Distinction: Commercial Lease.

5. Covenant by Tenant To Repair.
   (a) [§632] Nature of Covenant.
   (b) [§633] Measure of Damages.
   (c) [§634] Interpretation Against Undue Burden.

6. Changes Ordered by Public Authorities.
   (a) [§635] Factors for Determining Responsibility.
   (b) [§636] Lessee's Responsibility.
   (c) [§637] Lessor's Responsibility.

C. Landlord's Liability for Injuries.
   2. [§639] Liability Under Foreseeability Test.
   3. Exceptions to Rule of Nonliability.
      (a) Repairs by Landlord.
         (1) [§640] Covenant To Repair.
         (2) [§641] Voluntary Undertaking To Repair.
      (b) Knowledge of Defects.
         (1) [§642] Liability for Failure To Disclose Defect.
         (2) [§643] Exceptions and Distinctions.
         (4) [§645] Knowledge of Dangerous Activity.
         (6) [§647] Commercial Landlord's Duty To Inspect.
      (c) [§648] Existing Nuisance.
      (d) [§649] Violation of Safety Law.
      (e) [§650] Common Use Areas.
      (f) [§651] Lease for Semipublic Purpose.
      (g) [§652] Defective Appliances in Apartment or Hotel.
   4. Strict Liability.
      (a) [§653] Former Rule Imposing Liability.
      (b) [§654] Present Rule Rejecting Strict Liability.

D. [§655] Insurance.
E. §656 Condemnation.
F. Taxes.
   1. §657 Lessor's Duty To Pay.
   2. §658 Lessee's Covenant To Pay.
   3. §659 Taxes on Lessee's Improvements.
G. Competing Use.
   1. Express Covenant Against Competition.
      (a) §660 Nature and Validity.
      (b) §661 Illustrations.
   2. §662 Implied Covenant Against Competition.
H. Termination of Tenancy.
   1. §663 In General.
   2. §664 Expiration of Term.
   3. Destruction of Premises.
      (a) §665 In General.
      (b) §666 Lessor's Covenant To Repair.
   4. Tenant's Breach.
      (a) §667 In General.
      (b) §668 Construction of Forfeiture Clause.
      (c) §669 Waiver.
      (d) §670 Relief From Forfeiture.
      (e) §671 Express Clause Against Waiver.
   5. Landlord's Breach.
      (a) §672 Earlier Doctrine of Independent Covenants.
      (b) §673 Modern Theory of Dependent Covenants.
   6. §674 Illegal Use of Premises.
   7. §675 Surrender.
   8. §676 Abandonment.
   9. §677 Foreclosure of Senior Mortgage.
10. Termination by Notice.
      (a) §678 In General.
      (b) §679 Tenancy at Will.
      (c) §680 Periodic Tenancy.
11. §681 Special Lease Provisions.
12. Improper Grounds for Termination.
      (a) §682 Racial Discrimination.
      (b) §683 Discrimination Against Children.
      (c) §683A (New) Domestic Violence, Sexual Assault, Stalking, Human Trafficking, or Elder Abuse Against Tenant.
I. Right To Remove Fixtures.
   1. §684 In Absence of Covenant.
   2. §685 Covenant Governing Removal.
   3. §686 Tenant's Refusal To Remove.
J. Conversion of Rental Housing to Condominiums.
   1. §687 State Requirements.
   2. Local Requirements.
(a) §688 In General.
(b) §689 Regulations Enacted After Applicant Has Complied With State Law.

X. LANDLORD AND TENANT REMEDIES

A. Landlord's Remedies.

1. Former Law.
   (a) §690 Action for Rent or Damages.
   (b) §691 Special Lease Provisions.

2. Legislative Changes in 1970.
   (a) §692 Purpose of Revision.
   (b) §693 Nature and Scope of Statutes.

3. Action for Damages.
   (a) §694 Right of Action.
   (b) §695 Proof of Abandonment.
   (c) Types of Damages.
      (1) §696 Unpaid Rent.
      (2) §697 Future Rent.
      (3) §698 Other Losses Caused by Breach.
   (d) §699 Mitigating Damages.
   (e) §700 Computation of Damages.
   (f) §701 Liquidated Damages.

4. §702 Ejectment.

5. Unlawful Detainer.
   (a) In General.
      (1) §703 Nature of Remedy.
      (2) §704 No Action If Tenant Surrenders.
      (3) §705 Regulation of Unlawful Detainer Assistants.
   (b) Tenant's Defense of Retaliatory Eviction.
      (1) Judicially Declared Doctrine.
          (aa) §706 Nature of Defense.
          (bb) §707 Tenant's Cause of Action.
          (cc) §708 Exercise of Federal Right.
          (dd) §709 Report of Landlord's Crime.
          (ee) §710 Commercial Lease.
          (ff) §711 Distinction: Third Party's Coercion.
      (2) Statutory Rule.
          (aa) §712 Retaliatory Acts Prohibited.
          (bb) §713 Restrictions on Lessee's Defense.
          (cc) §714 Burden of Proof.
          (dd) §715 Tenant's Remedies.
          (ee) §716 Retaliatory Eviction as Unfair Business Practice.
          (ff) §717 Permissible Acts by Lessor.
      (3) §718 Distinction: Termination of Gasoline Dealer's Lease.
   (c) §719 Other Defenses of Tenant.
   (d) Three-Day Notice.
(1) [§720] Necessity and Effect of Notice.
(3) [§722] Commercial Tenant's Tender of Rent in Response.
(4) Form of Notice.
   (aa) [§723] Notice To Perform or Quit.
   (bb) [§724] Statement of Amount Due.
   (cc) [§725] Statement of Payment Options.
   (dd) [§726] Notice To Quit.
(5) [§727] Methods of Service.
(f) [§729] Parties.
(g) [§730] Pleadings.
(h) [§731] Restricted Access to Files.
(i) Proceedings Before Trial.
   (1) [§732] Immediate Possession.
   (2) Effect of Abandonment of Premises.
      (bb) [§734] Illustrations.
(3) [§735] Judgment by Default and Summary Judgment.
(j) [§736] Trial.
(k) Judgment.
   (1) [§737] Restoration of Possession.
   (2) [§738] Rent and Damages.
   (3) [§739] Costs and Attorneys' Fees.
(l) Enforcement of Judgment.
   (1) [§741] In General.
   (2) [§742] Storage of Tenant's Property.

6. [§743] Action To Quiet Title.

7. Continuation of Lease.
   (a) [§744] Lessor's Conditional Remedy.
   (b) [§745] Benefits of Continuation Remedy.
   (c) [§746] Termination of Lessee's Right of Possession.

8. [§747] Use of Lessee's Deposit.

9. [§748] Landlord's Lien.

10. Disposition of Abandoned Personal Property.
    (a) [§749] Nature of Statute.
    (b) [§750] Notice To Claim Property.
    (c) [§751] Storage of Property.
    (d) [§752] Sale or Other Disposition.
    (e) [§753] Limitation of Landlord's Liability.
    (f) [§754] Alternative Procedure on Tenant's Request.

11. (New) Disposition of Personal Property Remaining on Commercial Real Property.
    (a) [§754A] (New) Scope of Statute.
    (b) [§754B] (New) Notice.
B. Tenant's Remedies.
   1. §755 In General.
   2. §756 Abandonment of Premises.
   3. Forcible Entry and Forcible Detainer.
      (a) §757 In General.
      (b) §758 Damages for Wrongful Eviction.
      (c) §759 Where Landlord Has Lien.
      (d) §760 Entry Under Invalid Writ of Execution.

XI. MOBILEHOMES
A. In General.
   1. §761 Governing Law.
   2. §762 Definitions.
   3. §763 Mobilehome Ombudsman.
B. Rental Agreement.
   1. §764 Required and Optional Provisions.
   2. §765 Invalid Provisions.
   3. §766 Term.
C. Rent Control.
   1. Exemption From Local Rent Control.
      (a) §767 Long-Term Agreements.
      (b) §768 New Construction.
      (c) §769 Space That Is Not Principal Residence.
   2. §770 Challenges to Rent Control.
D. Fees and Charges.
   1. §771 Improper Fees and Charges.
   2. §772 Method of Charging Proper Fees.
   3. §773 Security Deposits.
E. Management of Mobilehome Park.
   1. §774 Maintenance of Premises.
   2. §775 Rules and Regulations.
   3. §776 Notices and Disclosures.
F. §777 Homeowner Meetings.
G. Transfer of Mobilehomes.
   1. §778 Listing for Sale.
   2. §779 Repair or Removal of Home.
   3. §780 Management's Prior Approval of Purchaser.
   4. §781 Purchaser's Acceptance of Rental Agreement.
   5. §782 Sale Following Death of Mobilehome Owner.
   6. §783 Renting or Subletting in Medical Emergency.
H. Termination of Tenancy.
   1. §784 In General.
   2. §785 Notice of Termination.
   3. §786 Grounds for Termination.
4. §787 Abandoned Mobilehome.
5. §788 Rights of Legal Owners and Junior Lienholders.

I. §789 Actions and Penalties.
J. §790 Conversion of Mobilehome Park.

XII. OIL AND GAS LEASES
A. In General.
   1. §791 Nature of Right to Oil and Gas.
   2. §792 Ordinary Lease Distinguished.
   3. §793 Abandonment of Interest.
   4. §794 Special Problems.
B. Form and Content of Lease.
   1. §795 In General.
   2. §796 Granting and Habendum Clauses.
   3. §797 Other Provisions.
   4. §798 Right To Use Surface.
C. Lessee's Principal Obligations.
   1. §799 Development.
   2. §§800 Royalty and Other Compensation.
   3. §§801 Implied Covenants.
D. Termination of Lease.
   1. §802 Abandonment.
   2. §803 Surrender.
   3. §804 Expiration.
   4. §805 Forfeiture.
E. Transfer of Interest in Lease.
   1. §806 Lessee's Interest.
   2. §807 Lessor's Interest.

XIII. ENVIRONMENTAL REGULATION OF REAL PROPERTY
A. Land Use Planning and Regulation.
   1. §808 In General.
   2. Subdivisions.
      (a) §§809 Nature and Scope of Subdivision Map Act.
      (b) §§810 Exclusions.
      (c) Map Procedure.
         (1) §§811 Tentative Maps.
         (2) §§812 Final Maps.
         (3) §§813 Alternative Maps.
         (4) §§814 Recording.
         (5) §§815 Statute of Limitations for Judicial Review.
      (d) §§816 Public Access to Water Resources.
      (e) Local Restrictions.
         (1) §§817 In General.
         (2) §§818 Imposition of Development Fees.
         (3) §§819 Dedication of Open Space.
      (f) Regulation of Sales and Leases.
         (1) §§820 By Real Estate Commissioner.
3. Housing and Urban Development.
   (a) [§823] In General.
   (b) [§824] Public and Low-Rent Housing.
   (c) [§825] "Granny Flat" Statute.
   (d) [§826] Uniform Building Codes.
   (e) Community Redevelopment Law.
      (1) [§827] In General.
      (2) [§828] Determining Blight.
      (3) [§829] Other Redevelopment Issues.
5. California Environmental Quality Act (CEQA).
   (a) [§831] In General.
   (b) Environmental Impact Reporting Requirement.
      (1) Public Projects.
         (aa) [§832] Statutory Requirement.
         (bb) [§833] Illustrations.
      (2) Private Projects.
         (aa) [§834] Statutory Requirement.
         (bb) [§835] Illustrations.
      (3) [§836] Statutory Exemptions.
      (4) [§837] Categorical Exemptions.
      (5) [§838] Commonsense Exemptions.
      (6) [§839] Ballot Measure Exemptions.
   (c) Content of Environmental Impact Reports.
      (1) [§840] Detailed Statement.
      (2) [§841] Significant Environmental Effects.
      (3) [§842] Mitigation Measures.
      (4) [§843] Cumulative Impact.
      (5) [§844] Alternatives to Project.
   (d) Alternative and Supplemental Reports.
      (1) [§845] Negative Declarations.
      (2) [§846] Mitigated Negative Declarations.
      (3) [§847] Master Environmental Impact Reports.
      (4) [§848] Tiered Reports.
      (5) [§849] Subsequent Reports.
   (e) Administrative Proceedings.
      (1) [§851] Lead Agency.
      (2) [§852] Preparation of Report by Consultant.
      (3) [§853] Time Limits on Preparation of Reports.
   (f) Judicial Review.
      (1) [§855] Exhaustion of Administrative Remedies.
      (2) [§856] Statutes of Limitations.
(3) [§857] Preparation of Record.
(4) [§858] Expedited Proceedings.
(5) [§859] Standards of Review.
(6) [§860] Types of Relief.

6. Coastal Lands.
   (a) [§861] Development of California Coastal Act.
   (b) [§862] Implementation of Act by Coastal Commission and Local Governments.
   (c) Development Permits.
      (1) [§863] In General.
      (2) [§864] Applicability to Federal Lands.
      (3) [§865] Development Requirements.
      (4) [§866] Commission's Appellate Review.
   (d) [§867] Enforcement of Coastal Act.
   (f) [§869] California Coastal Conservancy.

   (a) [§870] Time Limits for Agency Action.
   (b) [§871] Deemed Approval.
   (c) [§872] Waiver of Time Limits.

8. [§873] Regional Plans.

B. Resource Conservation and Management.
1. [§874] In General.
2. [§875] Recycling.
3. Water Resources.
   (a) [§876] In General.
   (b) [§877] Recycling and Irrigation.
   (c) [§878] Groundwater.
   (d) [§879] Ocean Resources.
4. Land Resources.
   (a) [§880] Agricultural Land.
   (b) [§881] Open Space.
   (c) [§882] Parks and Recreation Areas.
   (d) [§883] Wilderness Areas.
   (e) [§884] Forests.
5. Animals and Wildlife.
   (a) [§885] Endangered Species Acts.
   (c) [§887] Fish and Marine Mammals.
   (a) [§888] Mining, Oil, and Gas.
   (b) [§889] Energy Resources.
   (c) [§890] Solar Power.

C. Pollution Control.
1. [§891] In General.
2. Water Quality.
(a) [§892] In General.
(b) [§893] Porter-Cologne Water Quality Control Act.
(c) [§894] Proposition 65.
(d) [§895] Other California Statutes.

3. Air Quality.
   (a) [§897] Federal Clean Air Act.
   (b) California Statutes.
      (1) [§898] In General.
      (2) Nonvehicular Sources of Air Pollution.
         (aa) [§899] In General.
         (bb) [§900] Specified Pollutants.
      (3) [§901] Vehicular Sources of Air Pollution.
      (4) [§902] Tobacco Smoke.

   (a) [§903] Federal Statutes.
   (b) Hazardous Waste Control Act.
      (1) [§904] Statutory Framework.
      (2) [§905] Enforcement.
   (c) [§906] Hazardous Substances Account Act.
   (d) [§907] Other California Statutes.

5. Solid Waste.
   (a) [§908] Integrated Waste Management.
   (b) [§909] Exclusive Franchises for Solid Waste Services.

7. [§911] Pesticides and Other Toxic Chemicals.
   (a) [§913] Governmental Actions.
   (b) [§914] Private Actions.

XIV. WATERS
   A. Systems and Classifications of Water Rights.
      2. [§916] Classification of Waters.
   B. Nature of Rights to Water.
      1. [§917] No Ownership of Water in Watercourse.
         (a) [§918] In General.
         (b) [§919] Navigable Waters.
         (c) [§920] Public Trust Doctrine.
      3. [§921] State Rights in Interstate Waters.
         (a) [§922] Navigable Waters.
         (b) [§923] Nonnavigable Waters.
         (c) [§924] Federal Irrigation Projects.
   C. Administration of Water Rights.
1. [§925] In General.
   (a) [§928] In General.
   (b) [§929] Temporary Change in Diversion or Use.
   (c) [§930] Long-Term Transfers.

D. Rights in Surface Waters.
1. Riparian Rights.
   (a) [§931] In General.
   (b) Riparian Land.
      (1) [§932] Characteristics.
      (3) [§934] Federal Riparian Rights on Reserved Lands.
   (c) [§935] Riparian Uses and Rights Against Other Owners.
   (d) Extent of Riparian Right.
      (1) [§936] Former Law.
      (2) [§937] Constitutional Amendment of 1928.
      (3) Reasonable Use.
         (aa) [§938] Wasteful Use Eliminated.
         (bb) [§939] Preference for Domestic Use.
         (cc) [§940] Other Uses.
      (4) [§941] Future Reasonable Use.
      (a) Method of Appropriation.
         (1) [§942] Obtaining Permit and License.
         (2) [§943] Conditions for Permit or License.
         (3) [§944] Registration of Small Use Domestic Appropriations.
         (4) [§945] Review of Board's Determination.
      (b) [§946] Rights Against Other Users.
      (c) [§947] Water Subject to Appropriation.
      (d) [§948] Extent of Appropriation Right.
      (a) [§949] Nature of Prescriptive Right.
      (b) Extent of Prescriptive Right.
         (1) [§950] Definite Amount Beneficially Used.
         (2) [§951] Improper Change of Use.
      (c) [§952] Prescription Running Downstream.
      (d) [§953] Prescription Running Upstream.
   5. [§955] Ownership of Treated Wastewater.

E. Underground Waters.
1. [§956] In General.
F. Injuries to Property Caused by Waters.

1. Surface Waters.
   (a) Obstruction by Private Owner.
      (1) §962 Former Law.
      (2) §963 Tort Liability.
   (b) §964 Obstruction by Governmental Agency.
   (c) §965 Discharge of Surface Waters into Natural Watercourse.

2. Floodwaters.
   (a) §966 Right of Owner To Divert.
   (b) §967 Recovery Based on Negligence.

3. Diversion or Obstruction of Watercourse.
   (a) §968 In General.
   (b) §969 Constitutional Liability for Construction.
   (c) §970 Tort Liability for Negligent Maintenance.
   (d) §971 Change in Permanent Artificial Condition.

4. §972 Seawall or Breakwater.