
THIRD READING

Bill No: SB 222

Author: Wiener (D), et al.

Amended: 1/15/26

Vote: 21

SENATE JUDICIARY COMMITTEE: 5-2, 4/8/25

AYES: Allen, Laird, Stern, Weber Pierson, Wiener

NOES: Niello, Caballero

NO VOTE RECORDED: Umberg, Arreguín, Ashby, Durazo, Valladares, Wahab

SENATE HOUSING COMMITTEE: 10-0, 1/6/26

AYES: Wahab, Seyarto, Arreguín, Cabaldon, Caballero, Cortese, Durazo,

Grayson, Padilla, Reyes

NO VOTE RECORDED: Ochoa Bogh

SENATE LOCAL GOVERNMENT COMMITTEE: 4-1, 1/14/26

AYES: Durazo, Arreguín, Laird, Wiener

NOES: Seyarto

NO VOTE RECORDED: Choi, Cabaldon

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Residential heat pump systems: water heaters and HVAC: installations

SOURCE: Author

DIGEST: This bill voids any policy in the governing documents of a homeowner's association (HOA) that would prevent replacing a gas appliance with an electrical appliance and specifically voids any covenants or other instruments that effectively prohibit the installation of residential heat pump water heater or heating, ventilation, and air conditioning (HVAC) systems (hereinafter, collectively: residential heat pump systems). This bill also requires specified streamlining of local permitting for residential heat pump systems.

ANALYSIS:

Existing law:

- 1) Establishes, within the Davis-Stirling Common Interest Development Act, rules and regulations governing the operation of common interest developments (CIDs) and the respective rights and duties of a HOA and its members. Requires the governing documents of a CID, and any amendments to the governing documents, to be adopted through HOA elections in accordance with specified procedures.
- 2) Deems void and unenforceable any covenant, condition, or restriction (CC&R) contained in any deed, contract, security instrument, or other instrument affecting the transfer of, or any interest in, real property, and any provision of the CID governing documents, that effectively prohibits or restricts:
 - a) Installation of a solar energy system.
 - b) Installation or use of a video or television antenna.
 - c) Installation of low-water using plants, artificial turf, and other synthetic surface that resembles grass.
 - d) Installation or use of an EV charging station within the owner's unit or designated parking space.
 - e) Display or affixation of one or more religious items on any entry door frame to a dwelling.
 - f) Construction or use of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) on a lot zoned for single-family residential use that meets the requirements of existing law regarding ADUs and JADUs.

This bill:

- 1) Deems the following policies void and unenforceable:
 - a) Any provision of HOA governing documents that prevent the replacement of a fuel-gas burning appliance with an electric appliance.
 - b) Any covenant, restriction, or other instrument that effectively prohibits or restricts the installation or use of a residential heat pump system.
- 2) Requires cities and counties, beginning July 1, 2027, to offer an asynchronous inspection that does not require a licensed contractor and building inspector to be present for the inspection of the installation of residential heat pump systems.

- 3) Provides that on or before January 1, 2028, a city or county may require up to one nondiscretionary permit per installation of a residential heat pump system. Allows more than one nondiscretionary permit to be required by a city or county if specified findings are made.
- 4) Limits the local planning, zoning, and workforce labor criteria a city or county may apply to the installation of a residential heat pump system.
- 5) Prohibits cities and counties from requiring a permit or inspection for plug-in ready window air conditioners or window heat pump HVAC systems that do not require an electrical panel upgrade.
- 6) Requires counties with a population of greater than 150,000, cities located in a county with a population of greater than 150,000, or any city with a population greater than 5,000, to do the following:
 - a) Implement an online permitting process for residential heat pump systems by January 1, 2028.
 - b) Publish on their internet website a list of any of the planning and zoning standards as well as any required permitting documentation and relevant fees that may be imposed on a residential heat pump system installation.
 - c) Abide statutory caps on permit fees residential heat pump systems that a city or county may only exceed if they may specify findings.
- 7) Requires a city or county that seeks funding from the CEC to self-certify to the CEC its compliance with applicable requirements of this bill.

Background

Reducing emissions from the building sector. Residential and commercial buildings are responsible for roughly 25% of California's greenhouse gas (GHG) emissions when accounting for electricity demand, fossil fuels consumed onsite, and refrigerants, according to California Air Resources Board (CARB). Of the 25%, roughly 10% of emissions are attributable to fossil fuel combustion, including natural gas, with residential buildings accounting for slightly more of those emissions than commercial buildings. However, CARB has noted that these emissions numbers can vary from year-to-year.

CIDs and Restrictions on CID Governing documents. A CID is a form of real estate in which each homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in common-area property. Condominiums, planned unit developments, stock cooperatives, community apartments, and many resident-owned mobilehome parks all fall under the umbrella of CIDs. There are more than 50,000 CIDs in California comprising over 4.8 million housing units, or approximately one-quarter of the state's housing stock. CIDs are governed by HOAs. The Davis-Stirling Common Interest Development Act provides the legal framework under which CIDs are established and operate. In addition to the requirements of the Act, each CID is governed according to the recorded declarations, bylaws, and operating rules of the association, collectively referred to as the governing documents.

Comments

- 1) *Author's Statement.* "Californians need relief from sky-high energy costs and the extreme temperature changes driven by climate change, and heat pumps are an essential solution to both problems. Unfortunately, the permitting process for heat pumps is deeply broken, making homeowners suffer long waits, high fees, and needless hoops just to install a heat pump. SB 222, The Heat Pump Access Act, will create a standardized permitting process across the state that is faster, simpler, and cheaper for homeowners and contractors. Making these dual-use, zero-pollution air filtration and HVAC systems more accessible will help Californians build climate resilience and speed the recovery of communities impacted from climate disasters, such as Los Angeles. Updating the permitting process is also an essential step to help the state meet its goals of installing 6 million heat pumps by 2030, and achieving carbon neutrality by 2045."
- 2) *Allowing electric appliances in HOAs.* HOAs can limit the ability of homeowners to make certain changes to their home, including the installation or replacement of existing appliance through their governing documents. For example, HOA architectural review requirements could create installation delays for homeowners or, HOAs could prohibit installation of a residential heat pump system entirely. While the committee is not aware of any widespread prohibitions on residential heat pump systems imposed by HOAs, this bill addresses this uncertainty by voiding any policy that would prohibit the installation of a residential heat pump system.

3) *Barriers to installing heat pump equipment.* According to this bill proponents, there are local barriers to installing heat pump equipment. Interviews with heat pump installers point to a number of barriers to installing heat pump equipment, including costs compared to gas systems, inspection wait times, local architectural requirements, wide variations in requirements across jurisdictions, and the need to obtain multiple permit types for a water heater installation. Overburdensome requirements and delays can drive up the cost of installations, and limit the time that qualified contractors have to work on other projects, further tightening the supply of labor available to meet increasing demand for heat pump appliances. Contractors and consumers report that the requirements and cost for installing a permitted heat pump vary from jurisdiction to jurisdiction. In some jurisdictions, the process may take as little as 48 hours to replace a water heater with a minimal fee. In others, however, securing a permit can take significant back-and-forth with a city, and cost several thousand dollars.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 1/21/26)

A. O. Smith Corporation
Bay Area Air Quality Management District
Building Decarbonization Coalition
Carrier Global Corporation
Efficiency First California
Green Building Initiative
Lg Electronics USA
Natural Resources Defense Council
Rewiring America
San Francisco Bay Area Planning and Urban Research Association
U.S. Green Building Council, California

OPPOSITION: (Verified 1/21/26)

Community Associations Institute - California Legislative Action Committee
League of California Cities

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***** **END** *****