

SENATE THIRD READING
SB 222 (Wiener)
As Amended August 17, 2026
Majority vote

SUMMARY

Establishes requirements for cities and counties related to the installation of residential heat pump water heater or heat pump heating, ventilation, and air-conditioning (HVAC) system (residential heat pump systems). Makes void and unenforceable any covenants, conditions, or restrictions (CC&Rs) of a common interest development (CID) and any provision of the governing documents of a homeowners' association (HOA) that prohibits or restricts the installation or use of residential heat pump systems within the CID.

Major Provisions

1) Includes the following definitions:

- a) "Residential heat pump water heater or heat pump HVAC system" means a single heat pump water heater or heat pump HVAC system that serves one residential dwelling unit.
- b) "Swapout" means a residential heat pump water heater or residential heat pump HVAC system installation where a new heat pump water or HVAC air handler or outdoor coil is being installed in the same location on a property as the prior water heater or air handler and condenser that it is replacing. "Swapout" does not include either of the following:
 - i) An installation that requires modification, replacement, or installation of more than 25 linear feet of ductwork.
 - ii) An installation that replaces a package unit with a split system or a split system with a package unit.

Provisions related to CIDs and HOAs:

- 2) Makes void and unenforceable any provision of the governing documents, architectural guidelines, or policies of a CID if the provision prevents the replacement of a fuel-gas burning appliance with an electric appliance.
- 3) Makes void and unenforceable any CC&R contained in any deed, contract, security instrument, other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, of a CID that effectively prohibits or restricts the installation or use of a residential heat pump water heater or heat pump HVAC system.
 - a) Provides that an HOA shall not prohibit or restrict a member from installing, upgrading, replacing, or using a residential heat pump system in the member's separate interest. Prohibits an HOA from doing any of the following:
 - i) Charge a fee to any member in connection with the installation, upgrade, replacement, or use of a residential heat pump system;

- ii) Require a member to use a specific residential heat pump system contractor or product;
 - iii) Claim to receive any rebate, credit, or commission in connection with a member's installation, upgrade, replacement, or use of a residential heat pump system; and
 - iv) Require a member to remove a residential heat pump system or prevent the replacement or upgrade of an existing residential heat pump system.
- b) Specifies a) above shall not apply if the HOA establishes either of the following:
- i) The installation, upgrade, replacement, or use of the residential heat pump system would violate federal, state, or local law; or
 - ii) A permit from a designated permitting authority is required for the installation, upgrade, replacement, or use of the residential heat pump system, and that permit is not granted.
- c) Provides that nothing in 2) and 3) above shall be construed to limit or restrict the ability of an HOA to require a member whose installation, upgrade, replacement, or use of a residential heat pump system affects the common area or an exclusive use common area to be responsible for the repair of any damage to the common area or an exclusive use common area, or to another member's separate interest, that is caused by the installation, operation, maintenance, or removal of that residential heat pump system.

Provisions related to inspections:

- 4) Beginning July 1, 2027, requires a city, county, or city and county (cities and counties) to offer asynchronous inspections for installations of residential heat pump water heaters and heat pump HVAC systems that do not require a licensed contractor and building inspector to be simultaneously present during the inspection of an installation of a residential heat pump water heater or heat pump HVAC system.
- 5) Authorizes a building inspector to contact the licensed contractor who performed the installation by telephone call or real-time video conferencing during their inspection.
- 6) Provides that a building inspector may require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation must be simultaneously present during the additional inspection if, during the asynchronous inspection, the building inspector determines that there is an issue with an installation and that the licensed contractor who performed the installation must be present to perform tests or cure the installation.
 - a) Specifies that, if a building inspector determines during an asynchronous inspection that a contractor must be onsite in order to allow the building inspector into a place that needs to be inspected, the building inspector may require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation are both required to be simultaneously present during the additional inspection, if deemed necessary by the building inspector.

- 7) Provides that nothing in this section shall be construed to require a city or county to discontinue offering inspection options for the installation of residential heat pump water heater or heat pump HVAC system where a building inspector and licensed contractor, who performed the installation, are simultaneously present. *Provides that a city or county may adopt and offer remote inspections, consistent with applicable law, for a residential heat pump system in lieu of an asynchronous inspection.*

Provisions related to permitting:

- 8) Specifies cities and counties may require up to one nondiscretionary permit per installation of a residential heat pump system in which the city or county administratively approves an application to install the residential heat pump system.
- 9) Provides that a city or county is not prohibited from issuing separate permits for a panel replacement or structural work conducted as part of the residential heat pump installation.
- 10) Provides that, notwithstanding 8) above, a city or county may require more than one nondiscretionary permit requested by a licensed contractor per installation if the building official makes written findings based upon substantial evidence that the proposed installation would have a specific, adverse impact on public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Provisions related to standards:

- 11) Limits the planning or zoning or workforce labor standards that a city or county may apply, in addition to any state-level requirements, on the installation of a residential heat pump system to the following:
 - a) Additional standards for setbacks for installations not to exceed three feet in side yards and backyards or 10 feet in front yards;
 - i) If the city or county requires the submission of site plans for applications for permits for installations of residential heat pump systems, the city or county shall require only site plan information directly relevant to the installation or to determining setback compliance. Site plans shall not be required for applications for permits for a swapout.
 - b) Additional standards that conform to local laws, including reach codes, designed to encourage the adoption of zero-emission equipment or improvement of building efficiency.
 - c) Additional planning or zoning standards related to the installation of a residential heat pump system if the city or county adopts an ordinance that includes substantial evidence that the standard is designed to mitigate the specific, adverse impact on the public health or safety at the lowest cost possible.
 - d) Additional standards that regulate noise in a residential setting for inverter-based heat pump technologies, not to be less than 15 decibels higher than any statutory maximum regulating decibel limits for non-inverter-based technologies.

- e) Any additional workforce labor standards. Specifies "workforce labor standards" includes, but are not limited to, the payment of prevailing wages and the employment of apprentices from apprenticeship programs approved by the Division of Apprenticeship Standards.
- 12) Prohibits a city or county from requiring a permit or inspection for plug-in ready window air conditioner or window heat pump HVAC systems, provided that all of the following requirements are met:
- a) The appliance has a voltage rating of 120 volts or less;
 - b) The appliance is a self-contained unit;
 - c) The installation of the appliance does not require the installation of a dedicated circuit for the appliance;
 - d) The installation of the appliance does not require an upgrade to the electrical panel to accommodate the additional load of the appliance; and
 - e) The installation of the appliance does not require the installation of drainage or structural modifications.

Provisions related to automated, online permit processing:

- 13) Requires a city or county to implement an online automated permitting process that issues permits in real time to a licensed contractor for the installation of a residential heat pump system, on or before July 1, 2028, that meets all of the following:
- a) The installation of the residential heat pump system does not require installation of a new electrical panel or structural work;
 - b) The installation is a swapout; and
 - c) The licensed contractor certifies under penalty of perjury that they have performed a load calculation to properly size the new residential heat pump HVAC equipment as specified.
- 14) Provides that the methods that a city or county may use to comply with the requirements in 13) above may include, but are not limited to, an automated platform that can issue permits in real time or using an online form-based system that can instantly issue permits upon completion of the online form.
- 15) Provides that, if the city or county requires a CF1R form at the time of the permit application, the city or county shall not otherwise require information duplicative to and supplied on the CF1R form provided by the applicant, except for the applicant's name and the residential address of the project.
- 16) Provides that all liabilities and immunities applicable to cities, counties, and city and counties shall apply to any permits issued through an online, automated permitting platform and any inspections conducted in connection with those permits.

Provisions related to public posting and electronic submissions:

- 17) Requires a city or county to publish and make publicly available a list of the requirements adopted pursuant to 11) and 12) above, any required permitting documentation, and a list of all relevant fees or fee amounts that may be imposed by the city or county on a residential heat pump system, including, but not limited to, permit fees and inspection fees, on their internet website.
- 18) Requires a city or county to allow an applicant to submit a permit application and associated documentation electronically, and allow the applicant to submit an electronic signature on all forms, applications, and other documentation instead of a wet signature by an applicant.

Provisions related to permit fees:

- 19) Prohibits a city or county from charging a permit fee for a residential heat pump system that exceeds the reasonable cost of providing the service for which the fee is charged, subject to the following limitations:
- a) The permit fee for a residential heat pump water heater system shall not exceed \$150.
 - b) The permit fee for a residential heat pump HVAC system shall not exceed \$200.
- 20) Provides that the limitations in 19) above shall not be construed to apply to technology fees charged by third-party vendors for services adopted by jurisdictions to process compliance checks and issue permits.
- 21) Authorizes a city or county to charge a permit fee for the installation of a residential heat pump system that exceeds the fee limits in 19) above if the city or county, as part of a written finding and an adopted resolution or ordinance, provides substantial evidence of the reasonable cost to issue the permit.
- 22) Provides that a permit fee authorized in 21) shall be subject to all of the following requirements:
- a) The fee shall correspond to the typical reasonable cost demonstrated by the city or county for the equipment type;
 - b) The fee shall be set at a regular fixed amount per appliance type; and
 - c) The fee shall be listed publicly.
- 23) Prohibits a city or county from applying additional charges above the publicly listed fee.

Small population exemption

- 24) Exempts cities with a population of fewer than 5,000 persons and counties with a population of fewer than 150,000 persons, including each city within that county, from the online automated permit issuance provisions in 13) above, the public posting and electronic submission provisions in 17) and 18) above, and the permit fee cap provisions in 19) above.

Provision related to the California Energy Commission (CEC):

- 25) Requires a city or county to self-certify to the CEC its compliance with any applicable provisions in 4) through 23) above if a city or county applies to receive any funding from the CEC.

COMMENTS

This bill: This bill establishes several requirements of, and places a number of limitations on, local governments and CIDs to increase the number of residential heat pump systems installations statewide. Certain provisions of this bill are modeled after other permit streamlining legislation, including residential solar system installations and electric vehicle charging station installations. Other provisions are modeled after certain local jurisdictions' existing permitting programs for similar installation projects. Please see the policy committee analysis for a full discussion of this bill.

According to the Author

"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 six million heat pumps by 2030, and achieving carbon neutrality by 2045."

Arguments in Support

According to the Building Decarbonization Coalition, SPUR, and the Bay Area Air District, the co-sponsors of this bill, "California has set some of the nation's most ambitious targets to reduce carbon emissions, including a goal to install six million heat pumps statewide. This leaves five years to deploy over four million heat pumps – which will require quadrupling the current rate of installation. A heat pump installed in California today will cut emissions from space heating by 93% over the lifetime of the equipment compared to a gas furnace. In order to meet our climate and clean air targets, the state must make it easy, fast, and affordable for customers to install heat pump appliances." "Long timelines for permit approval can also drive up soft costs and push customers towards unpermitted work. While jurisdictions are able to turn around heat pump permits and installations within 48 hours (such as through the City of Palo Alto's emergency water heater replacement program), contractors have cited waiting for months to receive permits in other municipalities due to extensive plan review and multiple inspections. After the permit is approved, installers also cited long time windows for scheduling inspections, often leading to significant lost labor hours." "The Heat Pump Access Act will take a comprehensive approach to standardizing the permitting process for heat pump installations statewide, reducing time constraints and lowering costs for contractors and consumers alike."

The Green Building Initiative writes in a support position: "With Californians facing increasing energy costs, worsening climate-driven temperature extremes, and greater focus on the efficiency and sustainability of our homes and infrastructure, heat pumps offer a critical solution.

Unfortunately, however, current permitting processes result in significant delays, high fees, and unnecessary barriers for homeowners and other asset classes alike. SB 222 is an important step

towards streamlining and standardizing permitting processes statewide, that while focused in this bill on heat pumps, will inevitably serve as a model for greater efficiencies that expedite installations, provides a simpler approach, and is more cost effective on all fronts."

Arguments in Opposition

According to the League of California Cities, "Local permitting is not a barrier to electrification; rather, it is the mechanism through which cities ensure installations are safe, code-compliant, and appropriate for local conditions. Establishing a state-dictated permitting framework for HVAC systems sets a troubling precedent for future preemption of local building, zoning, and land-use authority." "Asynchronous inspections fundamentally alter established inspection workflows and labor practices and increase municipal liability exposure. In-person inspections – where inspectors and contractors are present simultaneously allow for immediate clarification, real-time problem-solving, and verification of compliance with approved plans and applicable codes, reducing the risk of errors, rework, or future disputes." "This bill establishes caps of \$150 for heat pump water heaters and \$200 for HVAC systems, regardless of the actual costs incurred by local agencies to conduct plan review, inspections, compliance verification, and enforcement. Over time, particularly over a 20-to-30-year horizon, these static caps will increasingly fail to cover local costs, effectively forcing cities to subsidize state-mandated activities with scarce general fund resources."

According to the Community Associations Institute's California Legislative Action Committee, "SB 222 creates a conflict with AB 1684 (Ward) passed by this committee earlier this session. While AB 1684 only speaks to cooling systems that conflict needs to be addressed. We recommend SB 222 be amended to delete HVAC systems and only focus on heat pump water heaters. If that change is made, we then request language like AB 1684 to be added to SB 222 requiring, among other things, owners to use licensed contractors, obtain necessary permits and provide for responsibility of any damage that might occur to the common area or exclusive use common area during installation. Finally, successive owners need to be made aware of the installation and held responsible for ongoing maintenance that might be needed."

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

Ongoing and one-time General Fund costs to impacted cities and counties are of an unknown amount, but likely significant and greater than \$150,000 statewide with respect to offering asynchronous inspections, establishing automated permitting systems, updating and maintaining website information, establishing permitting fee structures, and accepting electronic applications and signatures. Some costs associated with these activities may not be state-reimbursable because cities and counties may adjust permitting fees to cover associated administrative costs. Other costs, particularly information technology (IT), implementation, training, and maintenance costs to establish and maintain new automated structures and electronic capabilities, will be borne by the local jurisdiction and are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

Notably, the bill exempts from the online permitting, fee limitations, and electronic application provisions a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, including each city within that county.

VOTES**SENATE FLOOR: 29-8-3**

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Caballero, Cervantes, Choi, Cortese, Durazo, Grayson, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Dahle, Grove, Niello, Rubio, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Cabaldon, Gonzalez, Ochoa Bogh

ASM HOUSING AND COMMUNITY DEVELOPMENT: 10-0-2

YES: Haney, Ávila Farías, Caloza, Garcia, Kalra, Lee, Ward, Ta, Wicks, Wilson

ABS, ABST OR NV: Patterson, Tangipa

ASM LOCAL GOVERNMENT: 8-0-2

YES: Carrillo, Ta, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ABS, ABST OR NV: Johnson, Pacheco

ASM APPROPRIATIONS: 13-1-1

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta

NO: Dixon

ABS, ABST OR NV: Tangipa

UPDATED

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