

UNFINISHED BUSINESS

Bill No: SB 222
Author: Wiener (D), et al.
Amended: 8/17/26
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

SENATE FLOOR: 29-8, 1/26/26
AYES: 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
NOES: Alvarado-Gil, Dahle, Grove, Niello, Rubio, Seyarto, Strickland,
Valladares
NO VOTE RECORDED: Cabaldon, Gonzalez, Ochoa Bogh

ASSEMBLY FLOOR: Passed, 8/24/26

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

SOURCE: Author

DIGEST: 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.

Assembly Amendments Outlines limited circumstances under which an HOA can condition the approval of residential heat pump system, authorizes a local agency building inspector conducting an asynchronous inspection to determine that an inspection needs to be performed alongside the licensed contractor, authorizes a local agency to offer remote inspections in lieu of asynchronous inspections, and specifies that the provisions of this bill are not applicable to new residential construction.

ANALYSIS:

Existing law:

- 1) Establishes, within the Davis-Stirling Common Interest Development Act, rules and regulations governing the operation of 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) Prohibits HOAs from restricting members from installing, upgrading or replacing a residential heat pump system in an association members separate interest except under limited circumstances.
- 3) 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.
- 4) 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.
- 5) Limits the local planning, zoning, and workforce labor criteria a city or county may apply to the installation of a residential heat pump system.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) Provides that this bill is not applicable to new residential construction.

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 issue of HOAs prohibiting installation of residential heat pump systems does not appear to be widespread, 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

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, this 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.

SUPPORT: (Verified 8/24/26)

350 Humboldt County

350 Sacramento

A. O. Smith Corporation

ACT Now Bay Area

Activesgv

Air-conditioning Heating and Refrigeration Institute

Alameda County Waste Management Authority

Applied Building Science

Association for Energy Affordability

Ava Community Energy

Bauhaus Productions Consulting

Bay Area Air Quality Management District

Bdc Action Fund

Berkeley City Councilmember Igor Tregub

Building Decarbonization Coalition

California Environmental Voters

California Interfaith Power & Light

Carbon Free Palo Alto

Carbon Free Silicon Valley

Carrier Global Corporation
Catholic Charities of Stockton
Center for Biological Diversity
Ceres
Chair, Board of Equalization Sally Lieber
Citizens Climate Lobby Long Beach
City and County of San Francisco
City of Berkeley
City of Lancaster
City of San Jose
City of San Jose, Councilmember David Cohen,
City of Walnut Creek Mayor Kevin Wilk
Climabridge
Climate Action California
Climate Future California
Climate Health Now Action Fund
Climate Reality Project, Orange County
Climate Resolve
Community Action to Fight Asthma
Cool the Earth
Councilmember Alison Hicks, City of Mountain View
Daikin U.s. Corporation
Dayenu: a Jewish Call to Climate Action
Earthjustice
Efficiency First California
Electrify My Home
Evergreen Action
Friends Committee on Legislation of California
Gradient
Green Building Initiative
League of Women Voters of California
Lg Electronics USA
Lutheran Office of Public Policy - California
Mothers Out Front Silicon Valley
Natural Resources Defense Council
Quitcarbon
Redwood Energy
Regional Asthma Management and Prevention (RAMP)
Resource Renewal Institute
Rewiring America

Rising Sun Center for Opportunity
San Diego Building Electrification Coalition
San Francisco Bay Area Planning and Urban Research Association (SPUR)
San Francisco Bay Physicians for Social Responsibility
San Francisco Climate Emergency Coalition
San Jose Clean Energy
San Jose; City of
Sandiego350
Sierra Business Council
Smart Western States Council
Solano County Democratic Central Committee
Stopwaste
The Climate Center
The Climate Reality Project Orange County Chapter
The Climate Reality Project, California State Coalition
The Climate Reality Project, Los Angeles Chapter
The Climate Reality Project, Sacramento Chapter
The Climate Reality Project, San Diego Chapter
The Climate Reality Project, San Fernando Valley CA Chapter
The Climate Reality Project: Silicon Valley
U.s. Green Building Council
Vice Mayor City of Menlo Park Jennifer Wise

OPPOSITION: (Verified 8/24/26)

California Contract Cities Association
California State Association of Counties
City of Camarillo
City of Thousand Oaks
City of Tulare
Community Associations Institute - California Legislative Action Committee
League of California Cities
Rural County Representatives of California

ARGUMENTS IN SUPPORT: A variety of environmental organizations, green building advocates, and local agencies support this bill. They argue that SB 222 will help California meet its building electrification goals. The City of San Jose also notes that this bill will help accelerate local efforts to meet ambitious climate goals.

ARGUMENTS IN OPPOSITION: A coalition of local government associations, and representatives of HOA management associations are opposed to the bill. They note that higher up-front capital costs are a larger barrier to the installation of heat pump systems than permitting and approval processes. They advocate for greater state incentives in lieu of placing new approval requirements on local agencies and HOAs.

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8/24/26 17:09:31

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