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# SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

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**Bill No:** SB 908  
**Author:** Wiener  
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**Fiscal:** Yes  
**Consultant:** Favorini-Csorba

## ***RESIDENTIAL WINDOWS: RETROFITTING: CALIFORNIA ENERGY CODE COMPLIANCE***

*Prohibits a city or county from imposing conditions on windows in a housing development or for replacement windows if the windows comply with the California Energy Code, as specified.*

### **Background**

The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

Local governments use their police power to enact zoning ordinances that establish the types of land uses that are allowed or authorized in an area. Zoning ordinances also contain provisions to physically shape development and impose other requirements, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks, and lot coverage ratios. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

***Housing Accountability Act.*** The Legislature has enacted a variety of statutes to facilitate and encourage the provision of housing, particularly affordable housing and housing to support individuals with disabilities or other needs. Among them is the Housing Accountability Act (HAA), enacted in 1982 in response to concerns over a growing rejection of housing development by local governments due to not-in-my-backyard (NIMBY) sentiments among local residents. The HAA, also known as the “Anti-NIMBY” law, limits the ability of local agencies to reject or make infeasible housing developments without a thorough analysis of the economic, social, and environmental effects of the action. A person who would be eligible to apply for residency in a housing development or emergency shelter, or a housing organization, as defined, may bring an action to enforce the HAA.

***Denials or conditions under the HAA.*** The HAA limits the ability of local governments to disapprove or condition projects in a manner that renders them economically infeasible. Specifically, the HAA provides that when a proposed housing development complies with objective general plan and zoning standards, including design review standards, a local agency that intends to disapprove the project, or approve it on the condition that it be developed at a lower density, must make written findings based on a preponderance of the evidence that the project would have a specific, adverse impact on the public health or safety and that there are no

feasible methods to mitigate or avoid those impacts other than disapproval or conditioning of the project.

Because a city or county retains the ability to deny or reduce the density of a project that doesn't meet *objective* standards—those that involve no subjective judgment, are uniformly verifiable, and are knowable in advance—cities and counties have established objective standards for developments in their jurisdictions.

***Historic preservation.*** At the federal level, historic preservation efforts are guided by the National Historic Preservation Act (NHPA) of 1966, which was enacted in response to the widespread destruction of historic and cultural sites during postwar infrastructure expansion and urban renewal projects. The NHPA established the National Register of Historic Places, the nation's official inventory of historic sites, and created procedural protections requiring federal agencies to assess the impact of federal activities on historic resources. It also established a framework for state and local governments, tribal nations, and preservation organizations to participate in historic preservation efforts.

Preservation efforts focus on character-defining features, which are the architectural and physical elements that give a historic district or landmark its distinctive identity. These may include architectural elements, materials, and spatial relationships.

***State historic preservation programs.*** In California, the Office of Historic Preservation (OHP), under the California State Parks, “administers federally and state mandated historic preservation programs to further the identification, evaluation, registration, and protection of California’s irreplaceable resources.” According to the latest version of California’s Statewide Historic Preservation Plan, historic preservation efforts have evolved over the past two decades beyond merely identifying and documenting historic resources. Preservation is now integrated into land use planning, economic development, affordable housing policy, disaster preparedness, and environmental quality initiatives.

Generally, all nominations for state-level listing of historic properties or districts must be submitted to the OHP and reviewed and approved by the nine-member State Historic Resources Commission (SHRC). Properties listed on the National Register of Historic Places or designated as California Historical Landmarks are automatically added to the State Historic Resource Inventory (SHRI). The SHRI includes the California Historical Landmarks, California Historical Points of Interest, and the California Register, which acts as an authoritative list of historical resources in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

***Local preservation requirements.*** Cities and counties may also adopt historic preservation requirements or designate historic districts pursuant to their police powers. According to a technical bulletin from the OHP, last updated in 2001, an estimated 250 to 300 cities and counties in California have adopted some kind of historic preservation ordinance.

Within historic districts, not all buildings or structures carry the same level of significance. “Contributing properties” are those built during the district’s period of significance, retain their historic integrity, and contribute to the overall historical, architectural, or cultural character of the district. Non-contributing properties may exist within a district, meaning that despite their geographic location they lack historic significance due to alterations or later construction.

One way local governments implement historic preservation requirements is through land use controls. According to OHP, “Because of the desire to strengthen the relationship between historic preservation and land use planning, some communities have adopted historic preservation overlay zones (HPOZs) as an alternative to the more traditional approach of designating individual properties or historic districts. HPOZs are established through the zoning ordinance, rather than the independent historic preservation ordinance. An HPOZ adds a layer of regulations over the underlying zoning regulations in a specific area. Another benefit that the zoning overlay has the potential to regulate use in addition to changes in design or fabric. In some jurisdictions HPOZs avoid the issue of a certain percentage of property owner approval. Other communities establish a historic district first through a historic preservation ordinance procedure, and then apply the historic overlay zoning.”<sup>1</sup>

The extent to which cities and counties use HPOZs vary widely—some jurisdictions have not designated an HPOZ, while others use them extensively. For example, the City of Los Angeles has established 35 HPOZs for neighborhoods it has deemed worthy of protection.

***Permitting requirements for windows.*** Cities and counties generally require building permits for window installations. These permits allow local officials to ensure that the window installation meets the requirements in the California Building Standards Code (CBSC), which includes the California Building Code, the California Fire Code, the California Residential Code, the California Wildland-Urban Interface Code, and the California Energy Code (CEC), among others. These code requirements ensure, among other things, that the windows being installed will not allow moisture and pests to enter the home, allow ingress and egress during emergencies, and deliver energy-saving benefits.

The vast majority of window installation permits are handled “over-the-counter,” where building officials review the proposed window installation for code compliance and issue a permit quickly. However, local agencies sometimes require additional procedures, including planning department approval or design review, for certain projects based on local conditions. For example, many HPOZs specify requirements for windows, because windows have a significant effect on the overall character of a building. Window installations that affect historic structures or structures within historic districts may need to meet aesthetic requirements to ensure that the historic nature of the structure or neighborhood is not compromised. Aesthetic requirements may dictate specific materials or architectural features be incorporated into the replacement windows.

***Recent controversy over window ordinances in SF.*** Local window installation requirements can impose costs on property owners. A July 14, 2024, article in the San Francisco Chronicle detailed the bureaucratic and financial hurdles San Francisco homeowners face due to the city's strict window replacement regulations.<sup>2</sup> At the time, San Francisco’s window replacement requirements specified in great detail the requirements for replacement windows in many parts of the city, such as requirements to retain “ogees”—decorative swoops on the inside corners of a window sash—and other “in-kind” requirements that specified that replacement windows must be made from the same material (often wood) as the original windows, among other conditions.

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<sup>1</sup> Office of Historic Preservation, “Local Preservation Ordinances: Making Them Work for Your Community.”

<sup>2</sup> SF Chronicle, “They wanted to replace their home’s windows. S.F.’s ‘ridiculous’ rules nearly turned into a \$40K permit nightmare.”

The Chronicle article identified one homeowner who originally got a quote of \$40,000 to replace five windows.

In response to local concerns over the requirements, in May 2025 San Francisco revised its window standards to remove restrictions related to the replacement material of any window frame or sash that replaces an existing window frame or sash.

The author wants to relax local regulation of windows throughout the state.

### **Proposed Law**

Senate Bill 908 prohibits a city or county from imposing conditions on CEC-compliant windows in a housing development or for replacement windows, as specified.

***Windows in new housing projects.*** SB 908 prohibits a city or county from imposing any conditions on CEC-compliant windows proposed in a housing development project, as defined in the HAA, other than objective conditions that are necessary to mitigate a specific adverse impact upon public health or safety. The city or county must make written findings, based upon substantial evidence in the record, that the proposed CEC-compliant window would have a specific, adverse impact upon public health or safety.

***Window replacements.*** SB 908 requires a city or county to administratively approve an application to replace existing residential windows with CEC-compliant windows. The bill also prohibits a city or county from requiring discretionary review or a hearing for a residential window replacement project.

***Denials and conditions.*** A city or county cannot deny an application to replace existing windows with CEC-compliant windows unless it makes written findings, based upon substantial evidence in the record, that the proposed replacement would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Any conditions imposed on a residential window replacement must be limited to objective conditions that are necessary to mitigate the specific, adverse impact.

***Exclusions.*** The bill does not apply to a residential structure that is:

- Individually listed as a historical resource in the SHRI, as specified;
- Individually designated or listed or under a city or county ordinance; or
- On a site designated as a historical resource on a local register.

However, the bill provides that a structure does not qualify as individually designated or listed under a city or county ordinance if it is solely listed because of its age or because it is within a historic neighborhood or district.

***Governing documents.*** The measure also prohibits governing documents of a homeowners' association from limiting or prohibiting owners within a common interest development from replacing existing residential windows with CEC-compliant windows or imposing any requirements on California Energy Code-compliant windows in a housing project, as defined under the HAA.

SB 908 includes findings and declarations to support its purposes.

### Comments

1. Purpose of the bill. According to the author, “Energy costs are too high, and people should be able to weatherize their windows to lower their monthly energy bills. When cities or HOAs block people from replacing their windows due to aesthetic concerns, it means higher bills for people and worsening climate change. Unfortunately, various cities and HOAs are currently doing just that — blocking people from weatherizing their windows. SB 908 ensures people can install energy-efficient windows, while exempting truly historic homes.”

2. Objection! Cities and counties currently can impose a wide variety of standards on developments to shape development in their communities. If the development is a housing project that qualifies for protection under the HAA, those standards must be objective: they can’t include subjective criteria and must be knowable in advance. Cities and counties across the state have adopted objective standards in response that meet the needs of the community while benefitting developers. These design standards can include requirements related to windows. For example, the City of San Francisco currently requires one operable window per bedroom and specifies how much of the front of a building can be transparent in residential districts. These requirements can affect the cost of building housing. To reduce restrictions on development, SB 908 prohibits local governments from imposing any standards, including objective standards, unless they are related to a specific, adverse health or safety issue. This provision could have far-reaching implications for the ability of local governments to ensure the quality of buildings built in their jurisdiction. The size, detailing and type of windows is essential to overall building quality because windows define how occupants and the outside world relate. To examine the impact of this change, the Committee may wish to consider amending SB 908 to exclusively apply the bill’s limitations on new construction to the City and County of San Francisco.

3. Protecting the O.G. ogees. Local historic preservation requirements vary widely across the state, based on how those communities balance the values of property rights, aesthetics, the importance to local economies of tourism, and other factors. Under current law, residents have the opportunity to express their perspectives to their local elected officials if they feel that local rules are not appropriately considering those factors, and local governments can be responsive. For example, in the case of San Francisco’s window ordinance, the city responded to property-owner concerns about window replacement by allowing windows of any material to be used for most parts of the city in 2025. More broadly, the OHP notes in their technical assistance for developing local historic preservation ordinances:

“One of the questions frequently fielded by the California Office of Historic Preservation (OHP) is, Do you have a model historic preservation ordinance? Our response is a resounding No! ... To presume that a one-size-fits-all ordinance exists would be a disservice to local governments. The ordinance should be prepared to meet the needs of the community; the community should not be force-fit into a model that doesn’t work for it.”<sup>3</sup>

SB 908 restricts the ability of cities and counties to establish the window regulations they see fit. By prohibiting discretionary review and hearings and limiting conditions on window

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<sup>3</sup> California State Parks Department, “Drafting Effective Historic Preservation Ordinances.” [https://ohp.parks.ca.gov/pages/1072/files/14\\_hp\\_ordinances\\_26.pdf](https://ohp.parks.ca.gov/pages/1072/files/14_hp_ordinances_26.pdf)

replacements to only those that address specific safety impacts, the bill blocks local governments from considering aesthetics or historical considerations for many residential structures. Additionally, SB 908 does not clearly state the circumstances that qualify historic districts at the federal, state, and local level for the exemption from the bill's provisions. As a result, the bill could affect the ability of local governments to protect contributing structures within historic districts. SB 908's statewide standards prevent local officials from responding to the preferences of their communities and may conflict with the state's guidance on historic preservation ordinances.

4. The bigger picture. One reason a property owner may seek to replace windows is to improve the energy efficiency of their buildings. However, life-cycle assessments that compare total environmental impact—including production, performance of the system during useful life, and replacement in the case of failure—demonstrate that rehabilitating wooden windows is often the environmentally superior choice.<sup>4</sup> A report by the Preservation Green Lab at the National Historic Trust further notes, “a number of existing window retrofit strategies come very close to the energy performance of high-performance replacement windows at a fraction of the cost.”<sup>5</sup> By restricting the ability of local agencies to encourage property owners to rehabilitate their wooden windows instead of replacing them, SB 908 may work contrary to the state's environmental protection goals.

5. Let's be clear. Committee staff recommend the following clarifying amendments to SB 908:

- Define “residential window replacement project” to mean only a project that replaces a window with a new window of the same size, opening type, and location, and use the term consistently throughout the bill; and
- Require compliance with all applicable state codes for new or replacement windows. Currently SB 908 only requires windows to comply with the CEC, which could be interpreted to exclude other codes such as the California Fire Code, the California Residential Code, or the California Wildland-Urban Interface Code.

6. Charter city. The California Constitution allows cities that adopt charters to control their own “municipal affairs.” In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn't define “municipal affairs,” the courts determine whether a topic is a municipal affair or whether it's an issue of statewide concern. SB 908 says that it applies to all cities, including charter cities. To support this assertion, the bill includes a legislative finding and declaration that reducing energy consumption and achieving the state's climate goals is a matter of statewide concern.

7. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because SB 908 adds to the duties of local officials when processing development applications and permits, Legislative Counsel says the bill imposes a new state mandate. SB 908 disclaims the state's responsibility for

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<sup>4</sup> Katherine M. Switala-Elmhurst and Philip D. Udo-Inyang, *50th Associated Schools of Construction Annual International Conference Proceedings*. “Life Cycle Assessment of Residential Windows: Saving Energy with Window Restoration.”; Liza Sällström Eriksson, Sofia Lidelöw, *Journal of Building Engineering*. “A comparative life cycle study of window interventions: Impact of building characteristics and local context.”

<sup>5</sup> Preservation Green Lab, “Saving Windows, Saving Money: Evaluating the Energy Performance of Window Retrofit and Replacement.”

providing reimbursement by citing local governments' authority to charge for the costs of implementing the bill's provisions.

8. Coming and going. The Senate Rules Committee has ordered a double referral of SB 908: first to the Committee on Local Government to hear issues related to local permitting, and second to the Committee on Housing.

**Support and Opposition** (4/10/2026)

Support: Association for Energy Affordability  
Building Decarbonization Coalition Action Fund  
California Apartment Association  
California Yimby  
Housing Action Coalition  
NRDC  
Sierra Club California

Opposition: None Submitted

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