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THIRD READING

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Bill No: SB 908  
Author: Wiener (D), et al.  
Amended: 4/23/26  
Vote: 21

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SENATE LOCAL GOVERNMENT COMMITTEE: 5-1, 4/15/26  
AYES: Durazo, Arreguín, Ashby, Cervantes, Laird  
NOES: Choi  
NO VOTE RECORDED: Seyarto

SENATE HOUSING COMMITTEE: 9-1, 4/21/26  
AYES: Arreguín, Cabaldon, Caballero, Cortese, Durazo, Gonzalez, Grayson,  
Ochoa Bogh, Padilla  
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

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**SUBJECT:** Residential windows: retrofitting: residential window replacement projects: California Building Code compliance

**SOURCE:** Author

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**DIGEST:** This bill prohibits a city or county from imposing conditions on replacement windows, or windows in a new development in the City and County of San Francisco, as specified.

**ANALYSIS:**

Existing law:

- 1) Allows, pursuant to the California Constitution, 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.”

- 2) Provides, pursuant to the Housing Accountability Act (HAA) that when a proposed housing development project 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.
- 3) Establishes the California Building Standards Commission (CBSC), which is responsible for promulgating statewide building standards.
- 4) Establishes the California Energy Commission (CEC), which helps CBSC develop energy efficiency standards for buildings, including those for windows.
- 5) Requires local governments to enforce the building standards promulgated by CBSC when approving and reviewing local projects.
- 6) Exempts historic districts and historical landmarks registered on the State Historic Resources Inventory from certain state housing policies.

This bill:

- 1) Requires a city or county to administratively approve an application for a residential window replacement project, as defined.
- 2) Prohibits a city or county from:
  - a) Requiring discretionary review or a hearing for a residential window replacement project.
  - b) Denying an application for a residential window replacement project unless it makes written findings, based upon substantial evidence in the record, that the residential window replacement project 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.

- 3) Requires any conditions imposed on a residential window replacement project shall be limited to objective conditions that are necessary to mitigate a specific, adverse impact upon public health or safety.
- 4) Prohibits a local government that is both a city and county from imposing any conditions on a window proposed in a housing development project other than objective conditions that are necessary to mitigate a specific adverse impact upon public health or safety, provided that the window complies with all applicable provisions of the CBSC. A local government that is both a city and county must make written findings, based upon substantial evidence in the record, that the proposed window would have a specific, adverse impact upon public health or safety.
- 5) Excludes from the provisions of this bill:
  - a) A residential structure that is individually listed as a historical resource in the State Historic Resources, as specified.
  - b) A residential structure individually designated or listed as a city or county landmark under a city or county ordinance or a residential structure on a site designated as a historical resource on a local register. A local ordinance that designates multiple properties as historical based solely on the age of the structure, or an ordinance that designates a district or neighborhood as historical, does not constitute an ordinance that individually identifies a structure as a city or county landmark.
- 6) Prohibits governing documents from limiting or prohibiting the owner of a separate interest within a common interest development from completing a residential window replacement project or impose any requirements on California Energy Code-compliant windows in a housing development project.

## **Background**

*Local preservation requirements.* Cities and counties may adopt historic preservation requirements or designate historic districts pursuant to their police powers. According to a technical bulletin from the Office of Historic Preservation (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 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

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

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. 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.

## Comments

- 1) *Purpose of this 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) *Protecting the O.G. ogees.* Local historic preservation requirements vary widely across the state, based on how those communities balance the values of

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<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.”

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. 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 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.

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

**SUPPORT:** (Verified 5/12/26)

Association for Energy Affordability  
Building Decarbonization Coalition Action Fund  
California Apartment Association  
California Yimby  
Housing Action Coalition  
NRDC  
Sierra Club California  
Urban Environmentalists, Los Angeles  
USGBC California

**OPPOSITION:** (Verified 5/12/26)

None received

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5/13/26 16:27:56

\*\*\*\* END \*\*\*\*