

Date of Hearing: June 24, 2026

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

SB 908 (Wiener) – As Amended June 15, 2026

SENATE VOTE: 32-7

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

SUMMARY: Prohibits cities or counties from imposing conditions on residential window replacement projects, with exceptions. Prohibits the City and County of San Francisco from imposing conditions on windows in a new housing development project. Specifically, **this bill:**

1) Includes the following definitions:

a) “Residential window replacement project” means a project that meets all of the following requirements:

- i. The project proposes only to replace existing windows in a single-family or multifamily residential structure with windows of the same size and in the same location;
- ii. The project does not involve any physical alterations to the existing structure beyond those necessary to install those windows.
- iii. The proposed window installation complies with all applicable provisions of the California Building Standards Code, including, but not limited to the California Residential Code, California Building Code, California Fire Code, California Wildland-Urban Interface Code, and the California Energy Code.

b) “California Energy Code-compliant windows” means windows that meet or exceed the mandatory requirements for fenestration products and exterior doors, as specified in the California Energy Code or subsequent code section adopted by the California Building Standards Commission (CBSC) in the most recent triennial building code cycle.

- 2) Provides that no governing document of a homeowners’ association (HOA) shall limit or prohibit the owner of a separate interest within a common interest development (CID) from completing a residential window replacement project or impose any requirements on California Energy Code-compliant windows in a housing development project.
- 3) Requires a city, county, or city and county to administratively approve an application for a residential window replacement project.
- 4) Provides that a city, county, or city and county shall not require discretionary review or a hearing for a residential window replacement project.
- 5) Provides that a city, county, or city and county shall not deny 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.

- 6) Specifies that 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 identified pursuant to 5) above.
- 7) Prohibits San Francisco 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 California Building Standards Code.
- 8) Requires San Francisco to 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.
- 9) Specifies that 3) through 6) above do not apply to either of the following:
 - a) A residential structure that is individually listed as a historical resource in the State Historic Resources Inventory, provided that the structure was designated prior to the date an application for a residential window replacement project is submitted; and
 - b) A residential structure that is individually listed on a local register of historical resources or as a contributor to a multicomponent resource, provided that the structure was designated prior to the date an application for a residential window replacement project is submitted, with the exception that this shall not apply to a structure designated as historical based primarily on its age.
- 10) Makes a finding and declaration that retrofitting windows in existing residential buildings with windows that meet current California Energy Code standards is critical to reducing energy consumption and achieving the state's climate goals, which is a matter of statewide concern and is not a municipal affair.

EXISTING LAW:

- 1) Establishes the Davis-Stirling Common Interest Development Act and provides for the rules and regulations governing the operation of a residential CID and the respective rights and duties of the homeowner association and its members. [Civil Code (CIV) Section 4000 *et seq.*]
- 2) Establishes the CBSC within the Department of General Services and requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code. Requires CBSC to publish editions of the code in its entirety once every three years. In the intervening period the commission must publish supplements as necessary. [Health and Safety Code (HSC) 18942 and 18930]
- 3) Establishes the California Energy Commission's authority to adopt cost-effective building and appliance standards to promote the conservation of energy and water. (Public Resources Code 25402)

- 4) Authorizes cities and counties to make reasonably necessary changes or modifications to the provisions of the California Building Standards Code upon finding these changes are reasonably necessary due to local climatic, geological, or topographical conditions. (HSC 17958.5, HSC 17958.7)
- 5) Pauses changes to building standards affecting residential units at the state and local level from October 1, 2025, to June 1, 2031, with limited exceptions. (HSC 18929.1(c), HSC 17958(b))
- 6) Establishes the State Historical Resources Commission (SHRC), a nine-member state review board, appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. [Public Resources Code (PRC) 5020, PRC 5020.2]
- 7) Defines a “historic district” as a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. (PRC 5020.1(h))
- 8) Defines “historic resource” to include, but not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California. (PRC 5020.1(j))
- 9) Defines “local register of historical resources” to mean a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
- 10) Defines the “State Historic Resources Inventory” to mean the compilation of all identified, evaluated, and determined historical resources maintained by the State Office of Historic Preservation and specifically those resources evaluated in historical resource surveys conducted in accordance with criteria established by the State Office of Historic Preservation, formally determined eligible for, or listed in, the National Register of Historic Places, or designated as historical landmarks or points of historical interest.
- 11) Requires the Commission to evaluate and recommend historical resource designations by reviewing applications for the National Register, California Register, and state historical landmarks, while maintaining comprehensive records and criteria for preservation. (PRC 5020.4)

FISCAL EFFECT: Unknown.

COMMENTS:

Author’s Statement: 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.”

Building Standards: The California Building Standards Law establishes the process for adopting state building standards by the CBSC. Statewide building standards are intended to provide uniformity in building across the state. The CBSC’s duties include the following: receiving proposed building standards from state agencies for consideration in each triennial and intervening building code adoption cycle; reviewing and approving building standards submitted by state agencies; adopting building standards for state buildings where no other state agency is authorized by law; and publishing the approved building standards in the California Building Standards Code (CCR, Title 24).

Building standards proposed by state agencies go through a vetting process. A code advisory committee composed of experts in a particular scope of code reviews the proposed standards, followed by public review. The proposing agency considers feedback and may then amend the standards and re-submit them to the CBSC for consideration. CBSC reviews and adopts the standards and files them with the Secretary of State for codification and publishing, and there is a 180-day period during which local agencies file modifications and changes to the state codes (though they are not limited to this window). The new codes then take effect January 1 of the subsequent year following publication.

Local Amendments to State Codes: Local governments are provided wide latitude to make changes and modifications to the state baseline codes – so long as they exceed or are more protective than the state baseline, not a reduction – and for codes affecting residential buildings (excluding energy “reach codes” which follow a different process), neither the CBSC nor statute requires the local modifications to include any cost determinations or economic impact analysis. Local governments simply have to include a finding in their filing with the CBSC that the modifications are “reasonably necessary because of local climatic, geological, or topographical conditions” (HSC 17958.7) or environmental conditions for green building standards. CBSC does not currently have the authority to review these findings for validity, merits, or the justification of reasonableness, nor do the local amendments have to follow the Administrative Procedure Act or more rigorous state review criteria requiring state building standards to “not [be] unreasonable, arbitrary, unfair, or capricious, in whole or in part” (HSC 18930(a)(4)) or have a “cost to the public [that is] reasonable, based on the overall benefit to be derived from the building standards” (HSC 18930(a)(5)).

Numerous Directives and Mandates Leading to Standards Freeze: In response to concerns regarding the rapid pace of modifications to building standards, the deadly Los Angeles fires of January 2025, and a need to find methods to stem increases in housing construction costs, the Legislature and Governor enacted several significant changes to building standards in the 2025 housing budget trailer bill, AB 130 (Committee on Budget), Chapter 22. The most significant change is a freeze to any new building standards or changes to existing building standards affecting residential units at both the state and local level until 2031, with limited exceptions.

Energy Efficiency in Windows: The California Energy Commission develops and updates the Building Energy Efficiency Standards contained within the California Building Standards Code, which establish minimum energy performance requirements for windows used in newly constructed homes and certain alterations to existing buildings. To demonstrate compliance, windows must meet prescribed criteria which measure a window’s ability to reduce heat transfer and limit solar heat entering a home. Manufacturers certify the performance of compliant products, and builders and homeowners must use approved windows as part of the permitting and energy compliance process. By improving the efficiency, these standards help reduce energy

consumption, lower utility costs, and provide more consistent indoor comfort throughout the year.

CIDs: There are over 50,000 CIDs in the state, ranging in size from three to 27,000 units, with the average CID having 286 residents. CIDs make up roughly 4.7 million housing units, and 36% of Californians (over 14 million Californians) live in a CID. These rates are even higher for homeowners, with approximately 65% of homeowners living in a CID. CIDs include condominiums, community apartment projects, housing cooperatives, and planned unit developments. They are characterized by a separate ownership of dwelling space coupled with an undivided interest in a common property, restricted by covenants and conditions that limit the use of common area, and the separate ownership interests and the management of common property and enforcement of restrictions by an HOA. CIDs are governed by the Davis-Stirling Common Interest Development Act (the Act) as well as the governing documents of the association, including bylaws, declaration, and operating rules.

Davis-Stirling Common Interest Development Act: The Act went into effect in 1986 and is the primary body of law governing CIDs in California. The Act provides the legal framework for the creation and management of HOAs, including rules related to governance, assessments, dispute resolution, maintenance responsibilities, and member rights. The Act aims to balance the authority of HOAs with the rights of individual property owners, ensuring that communities are managed efficiently and fairly.

Over time, the Act has been amended to address the evolving needs of CIDs and to increase transparency, accountability, and consumer protection. Key provisions include requirements for open meetings, financial disclosures, election procedures, and architectural review processes. The Act also provides mechanisms for resolving disputes, including internal dispute resolution and alternative dispute resolution, before certain legal actions can proceed. As CIDs continue to represent a significant portion of California's housing stock, the Act play as critical role in shaping the living environment and governance of millions of residents across the state.

Historic Preservation in California: Historic preservation in California operates across local, state, and federal levels, with each level maintaining its own designation processes and regulatory frameworks. Historic resources may include individual landmarks, such as buildings or structures associated with significant events, persons, or architectural styles, as well as historic districts, which are geographically defined areas containing a concentration of historically or culturally significant properties. These resources may be listed on local registers, the California Register of Historical Resources, or the National Register of Historic Places. Generally, nominations for state-level listing of historic properties or districts must be submitted to the Office of Historic Preservation and reviewed and approved by the nine-member State Historic Resources Commission. Properties listed on the National Register of Historic Places or designated as California Historical Landmarks are automatically added to the State Historic Resources Inventory (SHRI). The SHRI includes the California Historical Landmarks, California Historical Points of Interest, and the California Register, which serves as the state's official register 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.

In California, properties listed on the state or national register are generally treated as “historical resources” for purposes of environmental review, with any proposed development on those sites requiring analysis under the California Environmental Quality Act (CEQA). Notably, listing on the California Register or National Register may occur through state or federal nomination processes that do not require local government approval, meaning properties may receive historic designation even where a local jurisdiction has not chosen to designate or protect them.

The regulatory implications of historic designation vary depending on the level and type of designation. Local governments typically establish and regulate historic districts and landmarks through local ordinances, which may impose restrictions on demolition, alterations, or new construction to preserve the character of designated areas. Within historic districts, individual properties may be classified as “contributing” or “non-contributing” resources, with contributing properties retaining their historic integrity and contributing to the district’s overall historical, architectural, or cultural significance, typically because they were constructed during the district’s period of significance and reflect its defining characteristics. Non-contributing properties, meanwhile, are geographically located in the district but do not maintain those character-defining features. Unlike local historic designations, which are typically implemented through local land use controls, state and federal designations primarily operate through environmental review processes, most notably under CEQA in California. State housing laws vary in how they treat historic resources when establishing streamlined or ministerial approval pathways.

This Bill: Despite the benefits of California Energy Code-compliant windows reducing energy costs, lowering greenhouse gas emissions, and improving indoor comfort, homeowners in HOAs and in jurisdictions with more stringent design review requirements have reported lengthy and burdensome approval processes for replacing existing windows. These requirements may leave homeowners with the choice of retaining less efficient windows or purchasing substantially more expensive replacements to satisfy aesthetic standards. This bill seeks to streamline the process for homeowners to upgrade existing windows by limiting the extent to which HOAs and local governments may restrict the installation of California Energy Code-compliant windows. Specifically, this bill limits any conditions imposed on a residential window replacement project to objective conditions that are necessary to mitigate an adverse health and safety impact. The replacement project would still need to be compliant with the California Energy Code and other codes within the California Building Standards Code, and the replacement project could not involve physically altering the existing structure beyond those alterations necessary to install the window of the same size and in the same location as the previous window.

This bill exempts residential structures that are listed as historic resources in the SHRI. This bill also exempts residential structures individually listed on a local register of historical resources or as a contributor to a multicomponent resource, provided that the structure was designated prior to the date an application for a residential window replacement project is submitted. This bill specifies that a residential structure designated as historical based primarily on its age would not qualify for the local register exemption.

This bill also prohibits San Francisco from similarly imposing any objective conditions other than those that are necessary to mitigate a specific adverse impact upon public health or safety, on a window proposed in a housing development project, provided that the window complies with the California Building Standards Code. San Francisco 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 to impose such the objective condition.

Policy Considerations: Several of California’s major housing production statutes, including the Housing Accountability Act and other streamlined approval pathways, reflect a legislative preference to limit local discretion over housing approvals while preserving the ability of local governments to adopt and enforce objective development and design standards. By requiring that standards be objective, uniformly applied, and generally in effect before an application is submitted, these laws provide the building community with greater certainty regarding the requirements necessary to secure project approval and reduce the risk of subjective or shifting approval criteria. Limiting the imposition of objective conditions solely to those necessary to mitigate specific adverse impacts to public health or safety would represent a shift from allowing local agencies to require compliance with applicable objective standards, including objective design standards, regardless of whether they are directly tied to the mitigation of a health and safety impact.

Separately, condominium developments within HOAs are unique in that individual owners possess separate interests within a single building. Because the appearance and physical integrity of a condominium building depend on a cohesive architectural design, HOAs often seek to maintain consistency in exterior materials, windows, balconies, and other visible features. Preserving a uniform design in a condominium building may be worthy of continued consideration should this bill advance from this Committee.

Arguments in Support: According to the California Apartment Association, “Improving certainty and creating flexibility for window improvements supports compliance with evolving state energy standards. Under this bill, property owners would have the ability to maintain and upgrade their buildings without facing subjective barriers from HOAs or local governments. These barriers delay and deter capital improvements.”

According to California YIMBY and the Housing Action Coalition, “Under current law, homeowners often must navigate extensive permitting requirements and HOA restrictions before replacing their windows. In many historic neighborhoods, even like-for-like window replacements require permits, planning review, and in some cases, expensive replica windows that do little to improve energy performance. SB 908 prohibits local governments from applying discretionary permitting to window replacements that comply with California’s highly climate friendly Energy Code. By streamlining approval for energy-efficient window replacements, SB 908 helps lower energy bills, reduce emissions, and make it easier for Californians to maintain their homes, even in our most historic communities. By streamlining approval processes and utilizing energy efficient windows, this bill helps to further California’s clean energy goals and ensures that all homeowners can save on their utility bills.”

Arguments in Opposition: None on file.

Double-Referred: This bill was also referred to the Assembly Local Government Committee, where it will be heard should it pass out of this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
California YIMBY
Housing Action Coalition

Opposition

None on file.

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