

SENATE THIRD READING

SB 908 (Wiener)

As Amended June 15, 2026

Majority vote

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.

Major Provisions

- 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 8) above, inclusive, 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.

COMMENTS

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.

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.

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 State Historic Resources Inventory. 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.

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."

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 [Yes In My Back Yard] (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.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations: No state costs. Local costs of an unknown amount to cities and counties to provide for the administrative approval of an application for a qualified residential window replacement project. These costs are not reimbursable by the state because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates.

VOTES

SENATE FLOOR: 32-7-1

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

NO: Alvarado-Gil, Choi, Grove, Jones, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Niello

ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-0-1

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

ABS, ABST OR NV: Patterson

ASM LOCAL GOVERNMENT: 10-0-0

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

ASM APPROPRIATIONS: 14-1-0

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

NO: Dixon

UPDATED

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