

SENATE THIRD READING
SB 908 (Wiener)
As Amended August 20, 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. *Limits the installation and aesthetic restrictions that a homeowners' association (HOA) may impose on an owner of a separate interest's residential window replacement project, as specified.*

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 *building* with windows of the same size and in the same location;
 - ii. The project does not involve any physical alterations to the existing *building* beyond those necessary to install those windows; and
 - 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 notwithstanding any other law, any convention restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest development, or provision of a governing document of a common interest development, that effectively prohibits or restricts the owner of a separate interest from completing a residential window replacement project, as defined, or impose any requirements on California Energy Code-compliant windows, as defined, regarding an owner's separate interest windows, an owner's exclusive use common area windows, or windows designated in the governing documents as common area windows but are designed to exclusively serve a single owner's separate interest, is void and unenforceable.*
- 3) *Specifies that 2), above, shall not apply to either of the following:*

- a) *Provisions that impose reasonable installation restrictions on a residential window replacement project that do not significantly increase the cost of a residential window replacement project or significantly decrease the energy efficiency of a residential window replacement project.*
- b) *Provisions that impose reasonable aesthetic restrictions on a residential window replacement project that do not, when combined with the installation restrictions above, significantly increase the cost of the residential window replacement project or significantly decrease the energy efficiency of a residential window replacement project, but only if both of the following conditions are satisfied:*
 - i) *The aesthetic restrictions apply only in a multifamily residential building of more than 20 units that does not include townhomes; and*
 - ii) *The aesthetic restrictions apply only to a residential window replacement project that modifies the exterior visual appearance of a window.*
- 4) *Requires, if approval is needed for a residential window replacement project pursuant to this bill, an application for approval to be processed and approved by the HOA in the same manner as an application for approval of an architectural modification to the property as specified in the governing documents and the applicable sections of the Davis-Stirling Common Interest Development Act.*
- 5) *Requires an HOA to approve an application for a residential window replacement project if a residential window replacement project is compliant with the reasonable restrictions permitted by this bill.*
- 6) *Requires an HOA to review a modified application if an HOA disapproves an application and a modified application is submitted.*
- 7) *Provides that an HOA shall require a residential window replacement project to comply with all of the following:*
 - a) *The owner shall obtain approval from the HOA for the residential window replacement project and requires the HOA to approve the project if the owner of the separate interest agrees in writing to do all of the following:*
 - i) *Comply with the HOA's governing documents regarding any aesthetic or installations standards, as specified;*
 - ii) *Engage a licensed contractor for the installation;*
 - iii) *Obtain any required local or state permits and provide proof of such permits, as specified; and*
 - iv) *Pay for the costs associated with the installation.*
 - b) *The owner and each successive owner shall be responsible for the following:*
 - i) *Continued maintenance, repair, or replacement of any component related to the replacement project;*

- ii) Costs for damage resulting from the installation or costs for maintenance, repair, and removal;*
 - iii) Disclosing to prospective buyers the existence of the replacement project, as specified.*
- 8) *Specifies that the provisions in 7), above, apply an owner's residential window replacement project that proposes the replacement of windows that are any of the following:*
 - a) Exclusive use common area;*
 - b) Designated in the governing documents as common area for the exclusive use of that owner;*
 - c) Designated in the governing documents as part of that owner's separate interest and such windows are installed within a common area building structure; or*
 - d) Designated in the governing documents as common area windows but are designed to exclusively serve that owner's separate interest.*
- 9) *Authorizes an HOA to require a residential window replacement project described in 8) to comply with;*
 - a) Require a notice to be recorded against the title of the owner's separate interest regarding the existence of the replacement project; and*
 - b) Require the installer of a replacement project to indemnify and reimburse the HOA for loss or damaged caused by the installation of the replacement project.*
- 10) Requires a city, county, or city and county to administratively approve an application for a residential window replacement project.
- 11) Provides that a city, county, or city and county shall not require discretionary review or a hearing for a residential window replacement project.
- 12) 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.
- 13) 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 12) above.
- 14) 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.

- 15) 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.
- 16) Specifies that 10) through 15) above, inclusive, do not apply to either of the following:
- a) A residential *building* that is individually *designated on the California Register of Historical Resources*, provided that the *building* was designated prior to the date an application for a residential window replacement project is submitted; and
- 17) A residential *building* that is individually *designated* on a local register of historical resources or as a contributor to a multicomponent resource, provided that the *residential building* 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 *residential building* designated as historical based primarily on its age.
- 18) *Includes a severability clause.*

COMMENTS

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.

Please see the policy committee analysis for a full discussion 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."

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 Appropriations Committee:

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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CONSULTANT: Juan Reyes / H. & C.D. / (916) 319-2085

FN: 0003869