

UNFINISHED BUSINESS

Bill No: SB 908
Author: Wiener (D), et al.
Amended: 8/20/26
Vote: 21

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

SENATE FLOOR: 32-7, 5/19/26

AYES: 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

NOES: Alvarado-Gil, Choi, Grove, Jones, Seyarto, Strickland, Valladares

NO VOTE RECORDED: Niello

ASSEMBLY FLOOR: 74-0, 8/25/26 - See last page for vote

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

SOURCE: Author

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, and 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.

Assembly Amendments revise the HOA provisions of the bill to limit the requirements HOAs can impose, rather than prohibiting all requirements, and make technical changes.

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 the bill:
 - a) A residential building that is designated on the California Register of Historical Resources, provided that the residential building was designated prior to the date an application for the project.
 - b) A residential building that is individually designated on a local register of historical resources or designated as a contributor to a multicomponent resource designated on a local register of historical resources, provided that the residential building was designated prior to the date an application for a project is submitted. However, the bill's restrictions apply to a residential

building designated on a local register of historical resources based primarily on its age.

- 6) Limits that requirements that HOAs can impose on a residential window replacement project, as follows:
 - a) Voids any specified HOA documents, or provision of a governing document, that effectively prohibits or restricts the owner of a separate interest from completing a residential window replacement project or impose any requirements on California Energy Code-compliant windows, as specified.
 - b) Allows those documents to impose reasonable installation restrictions and reasonable aesthetic restrictions
 - c) Prohibits subjecting window projects to design review or any other form of approval, and specifies that this change is declaratory of existing law.
 - d) Provides that if approval is required for a residential window replacement project as permitted by this section, an application for approval shall be processed and approved by the association in the same manner as an application for approval of an architectural modification, as specified.
 - e) Requires an HOA to approve the application for the residential window replacement project if it meets the allowable restrictions imposed by the HOA, and deems approved the application if the application is not approved or denied within 45 days of receipt of the application, except as specified.
 - f) Requires specified common area windows to comply with all of the following:
 - i) The owner must obtain approval from the HOA for the residential window replacement project. The HOA must approve the project if the owner complies with the HOA's governing documents, uses a licensed contractor for the installation, obtains any required local or state permits, and pays the cost of the installation.
 - ii) The owner and each successive owner is responsible for the continued maintenance, repair, or replacement of the window and associated costs, as well as disclosing responsibilities to future owners.

- g) Allows an HOA to require a residential window replacement project described in f) to:
 - i) Require notice to be recorded against the title of the owner's separate interest regarding the existence of the project and related responsibilities pursuant to the governing documents and the bill, as specified
 - ii) Require the installer of a residential window replacement project to indemnify and reimburse the HOA for loss or damage caused by the installation of the window.

7) Defines its terms.

8) Includes a severability clause.

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.”¹

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 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.² 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

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

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

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 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) *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. 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

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.

SUPPORT: (Verified 8/25/26)

Association for Energy Affordability
 Building Decarbonization Coalition Action Fund
 California Apartment Association
 California Yimby
 Housing Action Coalition
 Mayor Daniel Lurie, City and County of San Francisco
 NRDC
 Sierra Club California
 Urban Environmentalists
 Urban Environmentalists, Los Angeles
 USGBC California

OPPOSITION: (Verified 8/25/26)

None received

ASSEMBLY FLOOR: 74-0, 8/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo,

Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis,
Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECOrDED: Chen, Dixon, Elhawary, Lackey, McKinnor

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9/23/26 11:49:46

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