

# California's New Housing Law Senate Bill 9



On September 16, 2021, California Governor Gavin Newsom signed into law legislation aimed at addressing the statewide housing crisis – a critical topic leading up to the election. The suite of bills, Senate Bills (SB) 8, 9 and 10 and Assembly Bill (AB) 1174, coupled with the announced California Comeback Plan, carry the potential to expand housing production, streamline permitting and promote density closer to major employment hubs. While the housing deficit in California is undeniable, there is very little consensus on how to combat the crisis. SB 9 makes two important changes to state law, below is a summary.

## EFFECTIVE JANUARY 1, 2022

Under SB 9, It allows homeowners in most areas around the state to divide their property into two lots, thereby increasing opportunities for homeownership in their neighborhood; and It allows two homes to be built on each of those lots, with the effect of legalizing fourplexes in areas that previously only allowed one home.

### By-right “Urban Lot Splits”[1]

**Under SB 9, local agencies must ministerially approve certain subdivisions of one lot into two without discretionary review or a hearing.**

- Each new lot is at least 1,200 square feet, (though the local agency may set a lower minimum).
- The split results in two new lots of approximately equal size (60/40 split at most).
- The split does not involve the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past 3 years.
- The lot to be split is zoned single-family residential.
- The lot is not a historic landmark or within a designated historic district.
- The lot is within an urbanized area or urban cluster, or within a city that has an urbanized area or urban cluster, as identified by the U.S. Census Bureau. (This is most every urban and suburban city in California).
- The original lot was not established through a prior SB 9 lot split.
- Neither the owner nor anyone acting in concert with the owner previously subdivided an adjacent parcel through an SB 9 lot split.

### By-right Two-Unit Development Projects[2]

**In addition to the lot splits described above, SB 9 would require a local agency to ministerially approve a proposed two-unit development project on a lot in a single-family residential zone without discretionary review or a hearing. This applies to building two new units or adding a second one.**

- The site is in a single-family residential zone.
- The lot is located within an urbanized area or urban cluster, or within a city that has an urbanized area or urban cluster.
- The project does not involve demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past 3 years.
- The project does not involve demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless a) the local agency chooses to allow otherwise or b) the site has not been occupied by a tenant in the last 3 years.
- The site is not a historic landmark or within a designated historic district.

For More information please visit: [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB9](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9)