

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, 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 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. Specifically, **this bill:**

- 1) Defines for purposes of the bill:
 - a) “California Energy Code-compliant windows” means windows that meet or exceed the mandatory requirements for fenestration products and exterior doors, as described in Section 110.6 of the California Energy Code (Part 6 of Title 24 of the California Code of Regulations) or a subsequent code section adopted by the California Building Standards Commission (CBSC) in the most recent triennial building code cycle.
 - b) “Housing Development project” has the same meaning as the term has in Housing Element Law.
 - c) “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 (Title 24 of the California Code of Regulations), 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.
 - d) “State Historic Resources Inventory” has the same meaning as existing governing historical resources, as specified.
- 2) Prohibits any governing documents of a common interest developments (CID) from limiting or prohibiting the owner of a separate interest within the 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 a city and county to administratively approve an application for a residential window replacement project.
- 4) Prohibits a city, county, or a city and county from requiring discretionary review or a hearing for a residential window replacement project.
- 5) Prohibits a city, county, or city and county from 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.
- 6) Provides 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, as specified.
- 7) 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 California Building Standards Code (Title 24 of the California Code of Regulations), 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. Additionally, requires a local government that is both a city and county 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.
- 8) Provides that the bill does 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.
 - 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. However, this provision shall not apply to a structure designated as historical based primarily on its age.
- 9) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique development regulations within certain areas of the state that are both a city and county.
- 10) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, within the meaning of Section 17556 of the Government Code.

EXISTING LAW:

- 1) “Housing Development Project” means a use consisting any of the following:
 - a) Residential units only.
 - b) Mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:
 - i) A mixed-use development that is at least two-thirds of the new or converted square footage designated for residential use and no portion of the project is designated for use as a hotel, motel, bed and breakfast, inn or transient lodging (transient lodging).
 - ii) A mixed-use development project where at least 50% of the net new or converted square footage is designated for residential uses, includes at least 500 net new residential units, and no portion is dedicated to transient lodging.
 - iii) A mixed-use development project where at least 50% of the net new or converted square footage is designated for residential use, includes at least 500 net new residential units, the project involves the demolition of at least 100,000 square feet or nonresidential use, the project demolishes at least 50% of existing nonresidential uses, and no portion of the project is dedicated to transient lodging.
 - c) Transitional housing or supportive housing.
 - d) Farmwork housing, as specified. (Government Code § 65589.5)
- 2) 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]
- 3) Defines the following terms:
 - 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)
 - b) “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)
 - c) “Local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution. (PRC § 5020.1)
 - d) “State Historic Resources Inventory” means the compilation of all identified, evaluated, and determined historical resources maintained by the office and specifically those resources evaluated in historical resource surveys conducted in accordance with criteria established by the office, formally determined eligible for, or listed in, the National

Register of Historic Places, or designated as historical landmarks or points of historical interest. (PRC § 5020.1)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Bill Summary.** This bill requires a city, county, or city and county (a local agency) to administratively approve an application for a residential window replacement. The bill prohibits a local agency from requiring discretionary review or a hearing for a residential window replacement. The bill also prohibits a local agency from denying an application for a residential window replacement project unless the local agency makes written findings, based on substantial evidence in the record, that the residential window project would have a specific adverse impact on public health or safety that cannot be satisfactorily mitigated.

For a local agency that is both a city and a county, the local agency is prohibited from imposing any condition on a window proposed in a housing development project other than object conditions necessary to mitigate specific adverse impacts on public health or safety, provided that the window complies with the California Building Standards Code. The local agency shall make written finding based upon substantial evidence in the record, that the proposed window would have specific, adverse impacts upon public health or safety.

This bill provides two exceptions for residential structures identified in the State Historic Resources Inventory or on the local register of historical resources. Specifically, the bill creates an exception for residential structures that are individually listed as a historical resource in the State Historic Resources Inventory or as a contributor to a multicomponent resource, if the structure was designated prior to the date that an application for a residential window project had been submitted. The second exception applies to residential structures individually listed on local registers of historical resources or as a contributor to a multicomponent resource, if the structure was designated prior to the date that an application for a residential window project had been submitted. However, the exception does not apply to individual structures or contributing structures identified in a local register of historical resources if the structure was designated historical based primarily on its age.

The bill also provides that governing documents of common interest developments, or CIDs, shall not prohibit or limit the ability of an owner of a separate interest within the development from completing a window replacement project.

This bill is author-sponsored.

- 2) **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."
- 3) **Background.** Planning for and approving new development is mainly a local responsibility. The California Constitution allows 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.” It is from this fundamental power, commonly called the police power, that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public – including land use authority. Cities and counties enforce this land use authority through zoning regulations, as well as through an “entitlement process” for obtaining discretionary as well as ministerial approvals.

The scale of the proposed development, as well as the existing environmental setting determine the degree of local review that occurs. For larger developments, the local entitlement process commonly requires multiple discretionary decisions regarding the subdivision of land, environmental review pursuant to CEQA, and project review by the local agency’s legislative body (city council or county board) or by a planning commission delegated by the legislative body.

- 4) **Historic Preservation.** At the federal level, historic preservation efforts are guided by the National Historic Preservation Act (NHPA) of 1966, which was enacted in response to the widespread destruction of historic and cultural sites during postwar infrastructure expansion and urban renewal projects. The NHPA established the National Register of Historic Places, the nation’s official inventory of historic sites, and created procedural protections requiring federal agencies to assess the impact of federal activities on historic resources. It also established a framework for state and local governments, tribal nations, and preservation organizations to participate in historic preservation efforts.

In California, the Office of Historic Preservation (OHP), under the California State Parks, “administers federally and state mandated historic preservation programs to further the identification, evaluation, registration, and protection of California’s irreplaceable resources.” According to the latest version of California’s Statewide Historic Preservation Plan, historic preservation efforts have evolved over the past two decades beyond merely identifying and documenting historic resources. Preservation is now integrated into land use planning, economic development, affordable housing policy, disaster preparedness, and environmental quality initiatives.

There are many historic districts in California, with the stated purpose of preserving the state’s architectural, cultural, and historical heritage. These districts are designated at the local, state, and federal levels, each with distinct regulatory frameworks, benefits, and potential development challenges. Local historic districts are formed through city or county ordinances, often requiring historic surveys, community support, and approval by local historic preservation commissions or city councils. Local designation may regulate the scope of alterations or demolitions that can be conducted within a given district. State historic districts are included in the California Register of Historical Resources, and are established through a state nomination process. Development in state historic districts are typically subject to the requirements of the California Environmental Quality Act (CEQA), which requires analysis of potential adverse impacts from future development. The criteria for designation on the California Register of Historical Resources include:

- a) Association with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- b) Association with the lives of persons important in our past.

- c) Embodiment of the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- d) Yield of information important in prehistory or history.

Federal historic districts are listed on the National Registry of Historic Places and must meet national criteria for historic significance and integrity. Notably, federal designation does not automatically prevent development in most of the country. In other states, federal designation simply triggers NHPA reviews if federal funding, permits, or projects are involved. However, in California, development on federally designated properties typically involves CEQA review, and properties that are listed on the National Registry of Historic Places are automatically added to California's State Historic Resources Inventory, affording them the same protections as state resources.

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. Preservation efforts also focus on character-defining features, which are the architectural and physical elements that give a historic district or landmark its distinctive identity. These may include architectural elements, materials, and spatial relationships.

Historical landmarks are also included on the California Register. Landmarks are individual sites, buildings, or structures recognized for their exceptional historical, architectural, or cultural significance. These landmarks are associated with key historical events, individuals, or architectural styles and are officially designated by the California Office of Historic Preservation. Once designated, they typically receive regulatory protections under CEQA.

- 5) **Nomination to the California Register of Historical Resources.** Generally, all nominations for historic properties or districts must be submitted to the OHP, and reviewed and approved by the State Historical Resources Commission (SHRC). Properties already listed on the National Register of Historic Places or designated as California Historical Landmarks (#770 or higher) are automatically added to the California Register. The SHRC is established by PRC and contains nine members appointed by the Governor. All nominations for inclusion on the California Register must provide detailed documentation of the resource's historical, architectural, or cultural significance, including historical research, photographs, maps, and a justification for eligibility under California Register criteria. Any person or group, including historical societies, advocacy organizations, or members of the public, may prepare and submit a nomination to the SHRC.

Even if a property owner or local government objects, the SHRC can still review a nomination for inclusion on the California Register. While a property owner objection prevents the property from being formally listed in the California Register, it may still be determined "eligible for listing" by the SHRC. A property that is "eligible for listing" is typically treated the same as a property that is officially designated a historic resource for purposes of CEQA when it comes to development proposals. It is not uncommon for nominations for historic districts to go directly to the SHRC rather than first trying to obtain local designation.

- 6) **Local preservation requirements.** Cities and counties may also adopt historic preservation requirements or designate historic districts pursuant to their police powers. According to a technical bulletin from the OHP, last updated in 2001, an estimated 250 to 300 cities and counties in California have adopted some kind of historic preservation ordinance.

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 varies 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.

- 7) **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 California Building Standards Code, 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, 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 to be incorporated into the replacement windows.

- 8) **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

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.”

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 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.

- 9) **Related Legislation.** AB 2415 (Hoover) revises SB 79 (Wiener), Chapter 512, Statutes of 2025, to add additional historic preservation protections for a jurisdiction that meet certain characteristics. This bill is pending in the Senate Local Government Committee.

AB 2576 (Harabedian) expands the historic sites exclusion in SB 79 (Wiener, Chapter 512, Statutes 2025), prior to one year following the adoption of the seventh housing element, to include contributing sites within a historic district and parcels individually listed as a historical resource in the State Historic Resources Inventory designated before January 1, 2025. This bill is pending in the Senate Local Government Committee.

- 10) **Previous Legislation.** AB 1061 (Quirk-Silva), Chapter 505, Statutes of 2025, modifies historic resource designations that limit the single-family parcels eligible for ministerial approval of an urban-lot split or a duplex development under SB 9 (Atkins, Chapter 162, Statutes of 2021) by deleting the absolute exemption for historic districts in SB 9 and instead excluding SB 9 duplex developments and urban lot splits on parcels or properties individually listed as historic resources or landmarks, as specified.

- 11) **Arguments in Support.** The Housing Action Coalition writes in support, “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 reviews, 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.”

- 12) **Arguments in Opposition.** None on file.

- 13) **Double-Referral.** This bill is double-referred to the Assembly Housing and Community Development, where it passed on a 11-1 vote on June 24, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association

California Yimby

Housing Action Coalition

Mayor Daniel Lurie, City and County of San Francisco

Opposition

None

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