

Senate Bill 9 (SB 9) is a new California State Law taking effect **January 1, 2022**.

SB 9 changes existing limits on how many homes can be built on a lot zoned as single-family. Similar to previous state legislation on Accessory Dwelling Units (ADUs), SB 9 is intended to support the availability of more modestly priced homes by encouraging building of smaller houses on small lots.



WHAT DOES SB 9 DO?

SB 9 MAKES IT EASIER TO:

BUILD UP TO 4 HOMES
ON A PARCEL IN A SINGLE-FAMILY ZONE



SUBDIVIDE A LOT INTO TWO
THAT CAN BE SMALLER THAN REQ. MIN. SIZE

Used together, this allows **4 HOMES** where 1 was primary home was allowed before.

SB 9 makes this easier by waiving public hearings for the two actions.

WHAT CAN I DO ON MY LOT?

Add new homes to existing parcel • Divide existing house into multiple units • Divide parcel and add homes

Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only. See the following page for qualification details and limitations.

	VACANT LOT	LOT WITH SINGLE-FAMILY HOME	LOT WITH NONCONFORMING DUPLEX ¹	LOT WITH SINGLE-FAMILY HOME AND AN ADU
BEFORE	A1 No units	B1 1 PRIMARY UNIT	C1 2 PRIMARY UNITS	D1 1 PRIMARY UNIT + 1 ADU/JADU ²
ADD UNITS, NO LOT SPLIT	A2 Up to 2 PRIMARY UNITS + Up to 2 ADUs/JADUs ³	B2 Up to 2 PRIMARY UNITS ⁴ + Up to 2 ADUs/JADUs ³	C2 (No additional units) ⁵	D2 Up to 2 PRIMARY UNITS ⁴ + 1 ADU/JADU ³
ADD UNITS AND LOT SPLIT	A3 Up to 4 TOTAL UNITS	B3 Up to 4 TOTAL UNITS	C3 Up to 4 TOTAL UNITS	D3 Up to 4 TOTAL UNITS

If you're **NOT** splitting a lot:

- SB 9 does not limit the number of ADUs/JADUs (B2, D2) - but other laws might.

If you **ARE** splitting a lot:

- Jurisdictions **can** limit the 2 lots to 4 units total, including any ADUs/JADUs, and may choose not to permit ADUs/JADUs.



SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units - but projects must comply with all SB 9 requirements.

1 Legally constructed but not currently permitted. Check your local ordinance for nonconforming use policies.
2 Junior Accessory Dwelling Units (JADUs) are small (max. 500ft²) rentable units within a single-family structure. See your jurisdiction's specifications for more details.

3 The exact number and type of ADUs/JADUs allowed should be confirmed based on project specifics.
4 Added primary unit can be new construction or a split of the existing house.
5 Check local nonconforming use rules for more information about ADUs/JADUs.

DOES MY LOT QUALIFY?

REFERENCE ANY QUALIFICATION MATERIALS FROM YOUR JURISDICTION FOR MORE SPECIFICS.

2-UNIT DEVELOPMENTS & LOT SPLITS

- Located in a **SINGLE-FAMILY RESIDENTIAL ZONE**
- Located in an **URBANIZED AREA** or **URBAN CLUSTER**, as defined by the U.S. Census Bureau (*essentially, an area with at least 2,500 people*)⁶
- Not in a state/local **HISTORIC DISTRICT** / not an **HISTORIC LANDMARK**

Lots in these areas may not be eligible or may need to meet additional qualifications:⁷

- **PRIME FARMLAND** or farmland of statewide importance
- **WETLANDS**
- Identified for **CONSERVATION** or **UNDER CONSERVATION EASEMENT**
- **HABITAT** for protected species
- Within a **VERY HIGH FIRE HAZARD SAFETY ZONE**
- A **HAZARDOUS WASTE SITE**
- Within a delineated **EARTHQUAKE FAULT ZONE**
- Within a **100-YEAR FLOODPLAIN OR FLOODWAY**

The project cannot alter or demolish:

- Deed-restricted **AFFORDABLE HOUSING**
- **RENT-CONTROLLED HOUSING**
- Housing on parcels with an **ELLIS ACT EVICTION** in the last 15 yrs.
- Housing **OCCUPIED BY A TENANT** currently or in the last 3 yrs.



ADDTL. QUALIFICATIONS 2-UNIT DEVELOPMENTS

- Project **DOES NOT REMOVE MORE THAN 25% OF EXTERIOR WALLS** on a site that has a tenant or has had a tenant in the last 3 yrs. (*even if the rental unit itself isn't altered*)

ADDTL. QUALIFICATIONS LOT SPLITS

- **LOT IS SPLIT ROUGHLY IN HALF** - smaller lot is at least 40% of the original lot⁸
- Each new lot is **AT LEAST 1,200FT²**⁹ (*This means the original lot must be at least 2,400ft² for a 50/50 split; 3,000ft² if a 60/40 split.*)
- Lot is **NOT ADJACENT TO ANOTHER LOT SUBDIVIDED** by you (or done in concert with you) using SB 9
- Lot was **NOT CREATED BY A PREVIOUS SB 9 SPLIT**

ADDITIONAL LIMITATIONS ON SB 9 PROJECTS

CONTACT YOUR LOCAL JURISDICTION FOR ADDITIONAL DETAILS ON SB 9 PROJECT LIMITATIONS.

2-UNIT DEVELOPMENTS & LOT SPLITS

- **PARKING:** Your jurisdiction cannot require more than one off-street parking space per unit, and cannot require any parking spaces if the parcel is close to transit (as defined in the law)
- **NO SHORT-TERM RENTAL:** Units created by SB 9 cannot be used for short-term rentals (less than 30 days)
- **HOAS:** SB 9 does not change rules or restrictions put in place by homeowners' associations.
- **LOCAL STANDARDS:** Jurisdictions may set zoning, subdivision, and design standards for SB 9 projects, but they must be objective and they cannot preclude two units of at least 800ft² on each lot.
- **PUBLIC HEALTH AND SAFETY:** Your project can be denied if it creates a "specific, adverse impact on public health and safety."¹⁰

ADDTL. LIMITATIONS 2-UNIT DEVELOPMENTS

- You may be required to do a **PERCOLATION TEST** if you have on-site wastewater treatment

ADDTL. LIMITATIONS LOT SPLITS

- The project is limited to **RESIDENTIAL USES ONLY**
- **OWNER-OCCUPANCY:** Applicant must sign an affidavit saying they intend to live in one of the units for 3+ years after approval
- Your jurisdiction cannot require **CORRECTION OF NONCONFORMING ZONING CONDITIONS**
- Your jurisdiction may require **EASEMENTS FOR PUBLIC SERVICES AND FACILITIES** and/or to have access to the public right-of-way

WHAT DOES THE PROCESS LOOK LIKE?



STEP 1 Applicant submits SB 9 application to local jurisdiction.



STEP 2 Local jurisdiction determines whether application is complete within 30 days of submittal.



STEP 3 Once application is complete, local staff reviews the application and determines whether to approve and conditions of approval.

⁶ Urbanized areas/urban cluster maps are on the U.S. Census Bureau website.

⁷ As defined in Government Code § 65913.4(a)(6)(B)-(K).

⁸ Each new lot can be smaller than required min. lot size per local zoning.

⁹ This number may be lowered by local ordinance.

¹⁰ Must be determined in writing by a building official, based on inconsistency with objective standards and without feasible mitigation measures.