

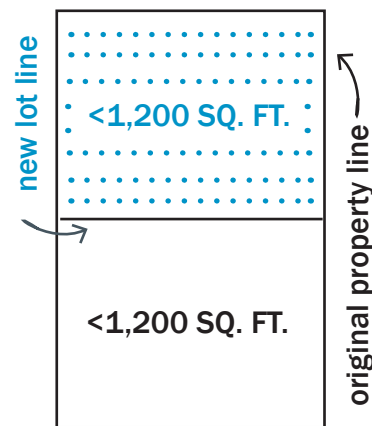
CALIFORNIA SENATE BILL SB 9

California Senate Bill **SB 9** was signed into law on **September 16, 2021**, and will take effect on **January 1, 2022**. SB 9 could lead to the establishment of up to four homes on parcels where currently only one exists. This would be accomplished by permitting existing single-family homes to be converted into duplexes. The law also allows single-family parcels to be subdivided into two lots, while allowing for a new two-unit building to be constructed on the newly formed lot. There are several exemptions to the necessary ministerial approvals because the bill requires that a development or a parcel to be subdivided must be located within an urbanized area or urban cluster, and cannot be located on prime farmland, wetlands, high fire zone areas, or land within a 100-year floodplain or land in a historic district. In addition, the homeowner(s) must live on the property for at least three years after dividing the parcel.

KEY TAKEAWAYS

Qualifying Lot Splits - Under SB 9, local agencies must ministerially approve certain subdivisions of one parcel into two, without discretionary review or a hearing. **In order to qualify for ministerial approval...**

- Each new parcel is at least 1,200 square feet
- The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision
- 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split does not involve the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past three years
- The parcel to be split is zoned single-family residential
- The parcel is not located within a historic district
- The parcel 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.
- Neither the owner nor anyone acting in concert with the owner previously subdivided an adjacent parcel through an SB 9 lot split.



The original lot must be large enough to accommodate a new lot of at least 1,200 sq.ft. after the division.

Two-Unit Development Projects - In addition to lot splits, local agencies must also ministerially approve a proposed two-unit development project on a parcel in a single-family residential zone without discretionary review or a hearing. This applies to building two new units or adding a second one. **In order to qualify for ministerial approval...**

- The site is in a single-family residential zone
- The parcel is located within an urbanized area or urban cluster, or within a city that has an urbanized area or urban cluster
- The development 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 last three years
- The development does not involve demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless 1) the local agency chooses to allow otherwise or 2) the site has not been occupied by a tenant in the last three years
- The site is not a historic landmark or within a designated historic district

Prior to issuing title insurance for the split parcels, California Title Company **requires** a Certificate of Compliance. A **Certificate of Compliance** is a method for the Planning Department to certify that a parcel of land was created in compliance with SB 9 in effect at the time the parcel was divided.

Source https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9

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