

UNDERSTANDING CALIFORNIA SB9



On September 16th, 2021, California Senate Bill No.9 (SB 9) was signed into law and will take effect Jan. 1, 2022. SB 9 could lead to up to four homes on parcels where currently only one exists. It would do so by allowing existing single-family homes to be converted into duplexes; it would also allow 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 ministerial approvals because the bill requires that a development or 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 an historic district. Here are some 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, to qualify:

- 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split does not involve the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past 3 years.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.
- The original parcel 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.

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, to qualify:

- 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 past 3 years.
- The development 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.

Senate Bill No.9 is extensive, be sure to consult with your legal advisor or your Local Agency for information.

“Chicago Title would require a Certificate of Compliance prior to issuing title insurance for the split parcels. 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.”