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Senate Bill 9 (SB 9)
California Housing Opportunity and More Efficiency ("HOME") Act
Frequently Asked Questions (FAQs)

What is SB 9?

Senate Bill 9 (SB 9) is a State law that went into effect on January 1, 2022, that requires the Town to approve the following projects ministerially (without discretion or public hearings) if they meet the applicable standards:

1. Development of two (2) residential units on lots zoned for single-family homes, and/or
2. Subdivision of a single-family lot into two (2) parcels.

Where are SB 9 projects allowed?

SB 9 projects are allowed on parcels located in single-family residential zones. The Town's single-family residential zones are:

- ER (Estate Residential) District
- SR (Surrounding Residential) District
- VR (Village Residential) District

Are SB 9 projects prohibited anywhere?

SB 9 projects are prohibited in certain sensitive areas, including wetlands, hazardous waste sites, prime farmland, FEMA-designated flood plains or regulatory floodways, or in high fire hazard severity zones. Projects may still be allowed in these areas if certain conditions are satisfied.

Does SB 9 overrule CC&Rs or HOA Rules?

No, SB 9 does not override Covenants, Conditions, and Restrictions (CC&Rs) or HOA Rules. SB 9 regulates what types of projects the Town must permit, but does not invalidate any existing CC&R or HOA Rule. However, CC&Rs or HOA Rules are private agreements and are not enforced by the Town. The Town will process all SB 9 applications in accordance with the requirements of state law and the Town's ordinances. If a proposed SB 9 project violates a CC&R or HOA Rule, it is up to the relevant HOA to enforce the applicable restriction.

What standards apply to SB 9 Projects?

SB 9 projects are subject to the development standards of the applicable zoning district, unless the application of a standard would physically prevent the development of an eight hundred (800) square foot unit. In addition, SB 9 establishes certain specific development standards:

- The minimum setback requirements for the side and rear yard of an SB 9 project are four (4) feet. No setback is required for a unit built within an existing structure or a new unit built in the same location and within the same footprint of an existing legal structure.
- A maximum of one parking space per unit is required, subject to certain limitations.

* This document is intended as an information resource and not a comprehensive description of all requirements applicable to SB 9 projects. If you have additional questions, please contact the Town of Windsor Planning Division.

- The minimum lot size for a lot created through SB 9 is twelve hundred (1,200) square feet, and each new lot must be at least forty percent (40%) of the original lot.

Can a lot be subdivided multiple times using SB 9?
No. Lots previously subdivided via SB 9 cannot be subdivided again.

Can units created through SB 9 be used as short-term rentals?
Units created through SB 9 may not be used as short-term rentals. Additionally, when applying for a lot split, an applicant must submit an affidavit that the applicant intends to occupy one (1) of units as its principal residence for at least three (3) years. A deed restriction must be recorded on the property reflecting both of these requirements prior to the issuance of a certificate of occupancy.

What fees are required for an SB 9 Project?
Applicants for SB 9 projects are required to pay an application fee at the time of application submittal and development impact fees at the time of building permit issuance. Fees are established by the Town's Master Fee Schedule and are adjusted annually.

Can I build an SB 9 Project and an ADU on the same lot?
If a lot is split using SB 9, a maximum of two (2) units of any kind may be developed on each of the resulting lots. Accordingly, a resulting lot can have two (2) units created through SB 9, or a single-family home and an ADU. If two units are developed on a resulting lot, adding an ADU is prohibited.

What environmental review is required before an SB 9 project is approved?
Because state law requires the Town to ministerially approve SB 9 projects, the California Environmental Quality Act (CEQA) does not apply, and no environmental review is required.

My neighbor is proposing to build multiple units on their property using SB 9; how do I object to their proposal?
Because state law requires the Town to ministerially approve SB 9 projects without a hearing, the Town is prohibited from taking the concerns of neighbors into consideration when reviewing an SB 9 project. The Town is required to approve SB 9 projects that comply with the applicable standards.

Do SB 9 units require separate sewer and water connections?
New sewer and water connections are not required for a SB 9 unit built on a lot with an existing connection. If a lot split occurs, a separate sewer and water connection is required for the newly created lot.

For More Information on SB9 lot splits and units, contact the Town of Windsor Planning Division at:

planningstaff@townofwindsor.com

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