

California's Senate Bill 9: Residential Lot Splits and 2-units

Effective January 1, 2022, cities and counties will have limited rights to restrict an owner from building 2 units on a lot zoned for single family residential purposes. Some key elements of the new law include:

- A. Applicable only to urban areas;
- B. No demolition of housing if: (i) lower income, (ii) rent control, or (iii) rented in last 3 years;
- C. Owner cannot have removed property from rental under Ellis Act in the last 15 years;
- D. Not in a historic district; and
- E. No demolition of 25% of exterior existing walls, with exceptions.

Local agencies may impose objective standards, BUT

1. Must allow 800 sf minimum for each unit;
2. No additional set-backs required for existing structure;
3. Parking requirement no more restrictive than one off-street per unit (no parking required if near car-share or ½ mile of transit corridor or major transit stop);
4. Must prohibit short-term rentals; and
5. May prohibit ADU if also lot split.

Effective January 1, 2022, cities and counties have limited rights to restrict an owner from splitting a property zoned for single family residential use into two parcels. Some key elements of the new law include:

- A. Approximately equal lots (no greater difference than 60-40 split);
- B. Both parcels at least 1,200 sf;
- C. No demolition or alteration permitted if: (i) lower income, (ii) rent control, or (iii) rented in last 3 years;
- D. Owner cannot have removed property from rental under Ellis Act in the last 15 years;
- E. Not in a historic district; and
- F. Not previously subdivided.

Local agency may impose objective standards, BUT

1. Parking requirement no more restrictive than one off-street per unit (no parking required if near car-share or ½ mile of transit corridor or major transit stop);
2. May require access to public right of way;
3. Must prohibit short term rentals; and
4. Must require applicant to certify they will occupy for 3-years as principal residence.

Certain properties are exempt from the law (e.g., prime farmland, those in many hazard zones, conservation land and Coastal Commission jurisdiction still applies).