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January 23, 2026

Hans Friedel, Principal Planner
Planning Division
Glendora City Hall
116 East Foothill Boulevard
Glendora, California 91741

Dear Hans Friedel:

RE: Glendora – Senate Bill 9 Urban Lot Split – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request for technical assistance regarding a proposed Senate Bill 9 (SB 9) urban lot split[1] application in the City of Glendora (City). Specifically, the applicant requested guidance on whether the City may refuse to accept an SB 9 urban lot split application on a parcel where no dwelling units exist. The purpose of this letter is to provide technical assistance to the City regarding its implementation of SB 9 by clarifying that if an applicant submits an SB 9 development application concurrently with an SB 9 urban lot split application, the City should approve the urban lot split application even if the parcel is vacant because the presence of a development application demonstrates the applicant's good-faith intent to reside on the site. Additionally, HCD wishes to clarify that the City may not impose additional owner occupancy standards.[2]

Background

On July 13, 2025, HCD received an inquiry from a requester indicating that the owner of an undeveloped lot desires to perform an SB 9 urban lot split and construct a single-family dwelling unit, as well as an accessory dwelling unit (ADU), on each resultant lot. According to the requester, the plans for a single-family dwelling unit and an ADU to be constructed on each resultant lot have been submitted to the building department and are under review. HCD understands that the requester attempted to concurrently submit an SB 9 urban lot split application, but the City refused to consider the application for approval or denial because the subject lot is currently undeveloped.

[1] Gov. Code, § 66411.7.
[2] Gov. Code, § 66411.7, subd. (g)(3).

In a meeting with HCD and the City on August 25, 2025, the City expressed concern about approving an SB 9 urban lot split on an undeveloped lot by questioning how an applicant can satisfy the owner-occupancy affidavit, pursuant to Government Code section 66411.7, subdivision (g)(1), by intending to occupy one of the housing units as their principal residence if no housing units exist to occupy. In an SB 9 Summary document provided on the City's website,[3] dated April 2025, the City states, "Undeveloped lots (lots that are not improved with an existing single-family dwelling) are ineligible for SB 9 lot splits." Additionally, contained within the Glendora Municipal Code (GMC) is the following section pertaining to SB 9 urban lot splits:

> GMC 21.04.040(F)(2)(a) - An applicant for SB 9 lot split must be an individual property owner of record meaning a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title, *verifiably live on the subject project from the time of application, and agree to live on the subject property by signing a legal affidavit under penalty of perjury for false statements, to intend to live on the subject property for three years from the date of the application***.** An applicant may not include any corporation or corporate person of any kind except for a community land trust or a qualified nonprofit corporation. (Emphasis added.)

Application of SB 9 Urban Lot Split Law

SB 9 specifies what a local agency may require when approving, or disapproving, an SB 9 urban lot split. Specifically, Government Code section 66411.7, subdivision (g)(1), provides the following:

> A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

If an applicant submits an SB 9 development application concurrently with an SB 9 urban lot split application and signs the affidavit, the local agency should approve the urban lot split application if the lot is vacant at the time of application. An applicant who has submitted an SB 9 development application concurrently with an SB 9 urban lot split application should be considered to have credibly demonstrated an intent to occupy one of the units pursuant to Government Code section 66411.7, subdivision (g)(1).

[3] https://www.cityofglendora.gov/files/assets/city/v/3/community-development/planning-division/documents/specific-plans/adu-sb-9-jadu/sb-9-handout_04.28.2025.pdf.

Additionally, SB 9 states, “A local agency shall not impose additional owner-occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.[4] However, the GMC 21.04.040(F)(2)(a) states, “An applicant for SB 9 lot split must…verifiably live on the subject project from the time of application, and…intend to live on the subject property for three years from the date of the application.” The requirement that the applicant “verifiably live” on the subject property constitutes an additional owner-occupancy standard because Government Code section 66411.7, subdivision (g)(1) provides simply that the applicant “intends to occupy.” As such, the GMC must be amended to reflect the requirements of SB 9.

Also imposing additional owner-occupancy standards are the terms “…from the time of application…” and “from the date of application.” SB 9 expressly states, “…from the date of the *approval* of the urban lot split.” (Emphasis added.) The City must amend this code language and replace the term “application” with “approval” to comply with SB 9.

Lastly, SB 9 requires that a completed application for an urban lot split be considered and approved, or considered and denied, within 60 days from the date the local agency receives a completed application. If the application is denied, the permitting agency must return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.[5] SB 9 does not provide an option whereby the City may refuse to accept a completed application based on an informal determination, thereby circumventing the statutory mandates of Government Code 66411.7, subdivisions (b)(1)(B) and (C).

Conclusion

The City must amend the Glendora Municipal Code so that section 21.04.040(F)(2)(a) does not impose additional owner occupancy standards as identified above. The City must also consider a completed SB 9 application and subsequently accept or deny the application pursuant to Government Code section 66411.7, subdivision (b)(1)(B). Additionally, the City should consider the *intent to occupy* condition as satisfied if an applicant submits an SB 9 development application concurrently with an urban lot split application and a signed affidavit as required by SB 9.[6]

HCD remains committed to supporting the City of Glendora in facilitating housing at all income levels and hopes the City finds this clarification helpful. In addition, HCD has enforcement authority over Government Code sections 65852.21 and 66411.7, among other state housing laws. Accordingly, HCD may review local government actions to determine consistency with these laws. Pursuant to Government Code 65585,

[4] Gov. Code, §66411.7, subd. (g)(3).
[5] Gov Code, § 66411.7, subd. (C).
[6] Gov Code, § 66411.7, subd. (g)(1).

subdivision (j), if HCD finds that a jurisdiction's actions do not comply with state law, HCD may notify the California Office of the Attorney General.

HCD requests a written response from the City by February 23, 2026, indicating how the City plans to implement the guidance provided in this letter. If you have any questions about this letter or require additional technical assistance, please contact Brandon Estes at Brandon.Estes@hcd.ca.gov.

Sincerely,



Brian Heaton,
Section Chief, Land Use Policy
Housing Accountability Unit