



# DUPLEXES AND LOT SPLITS (SB 9)

Government Code §§ 65852.21, 66411.7

## INTRODUCTION

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. For additional guidance on SB 9's requirements, please refer to HCD's [SB 9 Fact Sheet](#).

## KEY PROVISIONS

### Applicability in Single-Family Residential Zones

A lot zoned for single-family residential within an urbanized area may be developed by right through two mechanisms, or a combination of both. First, the statute allows an applicant with a qualifying single-family lot to subdivide it into two lots of roughly equal size. Secondly, the law allows an applicant to propose up to four units on a qualifying lot. A jurisdiction may deny an SB 9 application only if the lot split or development project would have a specific adverse impact on public health and safety or the physical environment that cannot be mitigated.

Jurisdictions may impose objective zoning, subdivision, and design standards on both lot splits and housing developments using SB 9. However, local objective standards cannot preclude the development of one or two units of at least 800 square feet each on a qualifying lot. Local objective standards also cannot preclude the creation of two 1,200 square-foot lots. In addition, jurisdictions can only apply objective standards to housing developments proposed using SB 9 if those standards are applied uniformly to development within the underlying zoning district. A jurisdiction may adopt objective standards for housing developments proposed pursuant to SB 9 that are more permissive than the underlying zoning.

For housing developments, jurisdictions may require:

- ▶ **Parking.** Off-street parking of up to one space per unit, except no parking can be required if the parcel is within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or within a block of a car-share vehicle.
- ▶ **Setbacks.** A rear and side setback of up to four feet, except where there is an existing structure with less or no setback.

### Lot Splits

For lot splits, jurisdictions may require easements where they are required for public services and utilities, and any requirements needed to ensure the parcel has access to

The Housing Law Fact Sheets provide an overview of existing laws which the California Department of Housing and Community Development (HCD) has statutory authority to enforce. The fact sheet does not constitute legal advice but is intended to be a resource for local agencies and decision-makers within California, including members of City Councils, Boards of Supervisors, and Planning Commissions.

or adjoins a public right-of-way. These requirements should be designed to facilitate access without physically precluding the lot split. Jurisdictions shall not require:

- ▶ Dedications of rights-of-way.
- ▶ Construction of offsite improvements.
- ▶ Conformance with objective standards that are not related to the design or improvement of a parcel.
- ▶ The correction of nonconforming zoning conditions.

### Maximum Achievable Units, ADUs, and JADUs

SB 9 enables an applicant to achieve up to four units on an eligible lot, with or without an urban lot split. Where an urban lot split is utilized, a local agency must allow two units on each of the resulting lots. On a site that was not created with an urban lot split, an applicant can build up to four units by combining SB 9 with ADU and JADU Law. For example, an applicant may propose two units pursuant to SB 9, and an ADU and JADU. Local agencies should also consult HCD's [ADU Handbook](#) for more information on ADU and JADU Law.

### Review and Approval Timeline

SB 9 establishes a timeline by which a local agency must approve or deny an application. A complete application for a housing development or urban lot split must be approved or denied within 60 days from the date the local agency receives it. In addition, the Permit Streamlining Act establishes that a local agency must determine whether an application for a development project is complete within 30 days from the date the local agency received the application.

### Tenancy Requirements, No Short-Term Rental

A jurisdiction must require that any rental units created under this process be rented for terms greater than 30 days, a provision intended to prevent their use as short-term rentals. In addition, an applicant for an urban lot split must sign an affidavit stating that the applicant intends to live in one of the units as their principal residence for at least three years from the date of approval of the urban lot split unless the applicant is a community land trust or nonprofit organization.

### Exceptions

SB 9 provisions do not apply if the proposed **unit construction or urban lot split** requires the demolition or alteration of housing that:

- ▶ Is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
- ▶ Is subject to any form of rent or price control through a public entity's valid exercise of its police power; or
- ▶ Has been occupied by a tenant in the last three years.

SB 9 provisions also do not apply to:

- ▶ A parcel where units were withdrawn from the rental market pursuant to the Ellis Act in the last 15 years.
- ▶ A contributing structure within a historic district or a historical resource on the State Historic Resource Inventory, or a contributing structure within a historic property, historic district, or landmark under a local ordinance.
- ▶ Specified environmentally sensitive, hazardous, or protected lands, such as wetlands, prime farmland, etc., as listed in Government Code section 65913.4, subdivision (a)(6)(B)- (K) as that subdivision read on September 16, 2021. These exemption areas must not be more or less restrictive than what is provided in statute.
- ▶ Parcels previously created under SB 9 lot split provisions are not eligible for further lot splits.
- ▶ Parcels adjacent to a lot created through an SB 9 lot split if that lot was split by the same owner or someone working in concert with the owner.

## RECENT HCD TECHNICAL ASSISTANCE LETTERS

<p><a href="#"><u>City of Riverside</u></a>, March 21, 2025</p>	<p>SB 9 requires that standards cannot be applied to SB 9 units unless they are applied uniformly to development within the underlying zone, that neighborhood noticing requirements cannot be imposed as a condition of approval for urban lot splits, and that side or rear setbacks greater than four feet cannot be imposed above the first floor for SB 9 units.</p>
<p><a href="#"><u>City of Fort Bragg</u></a>, February 19, 2025</p>	<p>SB 9 requires ministerial approval for up to two primary units and/or lot splits in single-family residential zones and outlines that local ordinances cannot impose conflicting standards. The City of Fort Bragg's ordinance omits required references to key legal provisions, imposes restrictions not uniformly applied in single-family zones, sets overly restrictive ADU size limits, and includes site exclusion and utility requirements that conflict with SB 9.</p>
<p><a href="#"><u>City of Laguna Beach</u></a>, September 19, 2024</p>	<p>SB 9 requires ministerial approval of housing developments with up to two units and/or lot splits in all single-family residential zones. The ordinance improperly excluded the Residential/Hillside Protection (R/HP) zone, misapplied site exclusion criteria for fire and fault hazard zones, and incorrectly imposed an owner-occupancy requirement for SB 9 developments, which SB 9 does not allow.</p>
<p><a href="#"><u>City of Long Beach</u></a>, August 9, 2024</p>	<p>Objective zoning, subdivision, and design standards shall not preclude an urban lot split from occurring. The letter also explains how a local agency can require access to new lots.</p>

[City of Menlo Park](#),  
July 11, 2024

A local agency cannot require park dedication in-lieu fees (commonly known as Quimby fees) as a condition of approval for SB 9 urban lot splits.

## LEGISLATIVE HIGHLIGHTS

### Historic Districts and Resources

[AB 1061](#), Quirk-Silva (2025); amended Gov. Code, §§ 65852.21 and 66411.7.

Clarifies exclusions and protections for historic districts and historic landmarks under SB 9. Proposed lot splits cannot result in demolition or alteration of a contributing structure in a historic district.

### Strengthening SB 9

[SB 450](#), Atkins (2024); amended Gov. Code, §§ 65852.21 and 66411.7, and Section 4 of Chapter 162 of the Statutes of 2021

SB 450 strengthens and clarifies the provisions of SB 9 by limiting the regulatory authority of local governments over SB 9 projects. The bill aims to prevent cities from imposing excessive design and zoning restrictions that hinder the development of duplexes and lot splits in single-family residential zones. By standardizing approval processes and reducing regulatory barriers, SB 450 ensures that SB 9 fulfills its goal of increasing housing density across California.