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Public Law Update - SB 450 Modifies and Strengthens SB 9

Senate Bill 450 ("SB 450") was signed into law by Governor Newsom on September 19, 2024. SB 450 amends sections 65852.21 and 66411.7 of the Government Code, relating to land use, and goes into effect on January 1, 2025.

Existing law, SB 9, streamlines the process for a homeowner to develop a two-unit development and/or subdivide an existing lot through an "urban lot split," potentially allowing up to four units on one single-family lot. SB 450 modifies and strengthens SB 9 in a number of ways.

First, SB 450 adds language relating to the use of objective standards. SB 450 prohibits a local agency from imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. However, a local agency can adopt or impose objective zoning standards, objective subdivision standards, and objective design standards on SB 450/SB 9 developments if those standards are more permissive than applicable standards within the underlying zone. For urban lot splits, SB 450 adds language that limits the imposition of objective standards to those that are related to the design or improvements of a parcel.

Second, SB 450 makes various changes to application processing. SB 450 adds language requiring a local agency to consider and approve or deny SB 450/SB 9 applications and urban lot split applications within 60 days after receipt of a complete application, or the application will be deemed approved. SB 450 also adds language requiring that if the local agency denies an SB 450/SB 9 application or urban lot split application, it 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.

Third, SB 450 removes language previously prohibiting SB 9 from applying where the demolition of more than 25 percent of the existing exterior structural walls is required if the site was occupied by a tenant within the past 3 years, since housing occupied by tenants within 3 years are not eligible to be modified under SB 9/SB 450.

Finally, SB 450 adds language to the legislative findings promoting it

as a statewide solution to California’s “housing crisis and the severe shortage of housing” which is meant to address the Los Angeles Superior Court case from earlier this year that exempted charter cities from SB 9.

Burke, Williams & Sorensen, LLP regularly advises clients on legal matters relating to land use, zoning, and planning issues.

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