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SENATOR TONI G. ATKINS

PRESIDENT PRO TEMPORE

August 30, 2021

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 3044
Sacramento, CA 95814

Dear Ms. Contreras:

I have authored SB 9, which seeks to address our housing crisis by allowing duplexes and ministerial lot splits in single-family zones. I submit this letter to the Senate Journal for the purposes of clarifying the applicability of SB 9's provisions.

First, on the issue of common interest developments (CID) and homeowners' associations (HOA). My office has consulted with Legislative Counsel, and SB 9 would not override CID or HOA restrictions. Specifically, SB 9 is silent on the issue, meaning the bill contains no provisions that supersede HOA or CID governing documents. As we have seen with other housing legislation, SB 9 would have to contain an explicit and proactive provision to override those rules. This bill does not.

Second, I would like to reiterate some of the bill's protections to ensure that community character is not unduly affected. Most importantly, SB 9 explicitly states that cities and counties may continue to impose objective zoning standards, objective subdivision standards, and objective design standards so long as they still allow two small, 800 square foot dwellings to be built on each lot. For example, objective requirements that lots include horse keeping areas of a specified size could still be imposed, and if a property owner applied for a permit that proposed larger dwellings that would conflict with such a requirement, a local official could deny the project.

Thank you for the opportunity to address these matters.

Warmly,

A handwritten signature in blue ink that reads "Toni G. Atkins".

TONI G. ATKINS
Senate President pro Tempore
39th Senate District

TGA:ml