



CALBO

California Accessory Dwelling Units: Navigating Regulations for Compliance in 2025

October 30, 2025

HCD Presenters:

Mitchel Baker - Codes and Standards
David Barboza - Housing Policy Development
Tyler Galli - Housing Policy Development

Course Information

This course is approved by The American Institute of Architects (AIA) for 6 Learning Units and International Code Council Preferred Provider Program (ICC PPP) for 0.6 Continuing Education Units.

- AIA: 6 LU | HSWs (Course Number - 21: 2025)
- ICC PPP in-person course: 0.6 CEUs (Course Number - 45735)
- ICC PPP online course: 0.6 CEUs (Course Number - 45736)

Course Schedule: 8:00 – 3:30pm (6 hours of instruction)

Certificate of Attendance: A certificate of attendance is emailed within 72 hours to each registrant who attends the entire course, no exceptions. Attendance is monitored at all times. For attendance questions, please contact the CALBO Office at 916-457-1103 or info@calbo.org.

Topics Covered

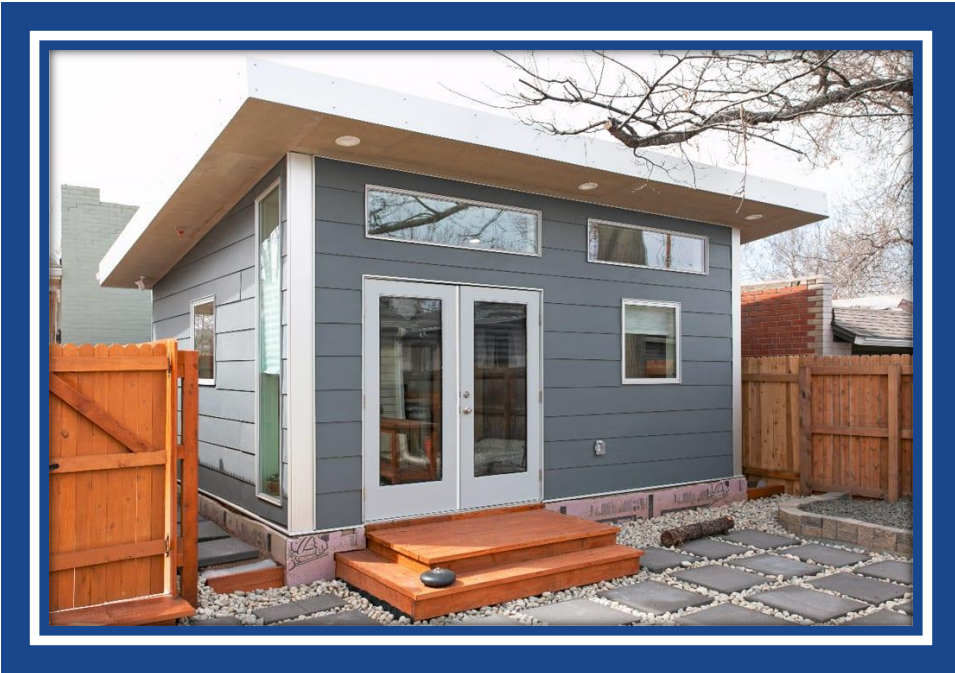


Photo Credit: Studio Shed

- Types of ADU
- Manufactured Homes / “Tiny Homes”
- ADU Popularity
- Recent Legislation
- Legislative Intent
- Zones / Designation of Areas
- Sewage, Water, Fire, and Traffic
- Historical Overlays
- Objective Standards
- Local Building Codes
- Building Fire Safety

Topics Covered

- Development & Design Standards
- Multifamily ADUs
- Accessory Structures
- Demolition Permits & Noticing



Photo Credit: Good Life Management.

Topics Covered



Photo Credit: New Avenue Homes.

- Zoning Exemptions
- Units Created Under 66323
- Zoning Non-Conformances, Building Violations
- Unpermitted Structures/ADUs
- Solar Requirements
- Permitting Agencies

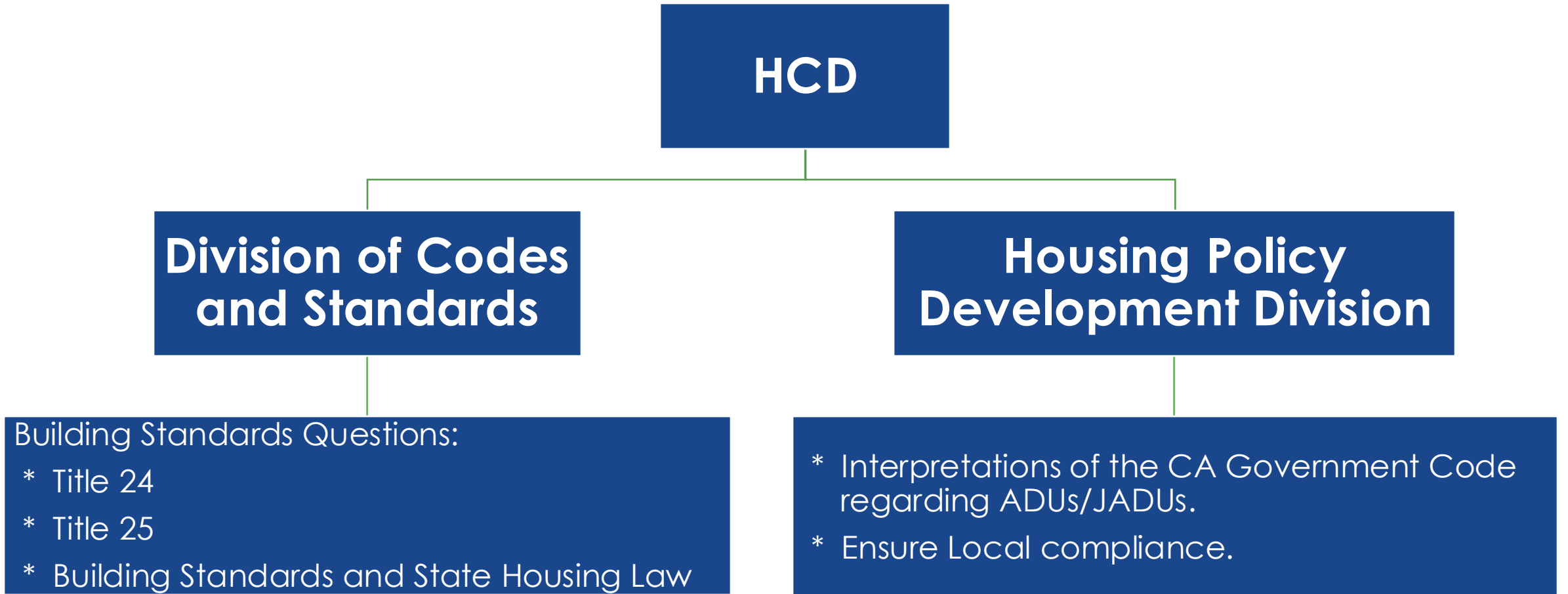
Topics Covered



Photo Credit: New Avenue Homes.

- Utility Connections
- Impact Fees
- Ministerial Review & Timelines
- Approvals and Denials
- Other Ordinances / Less Restrictive Standards
- Local Coastal Plans
- Renter-Owner Occupancy
- Covenants & Conveyance
- Additional Resources

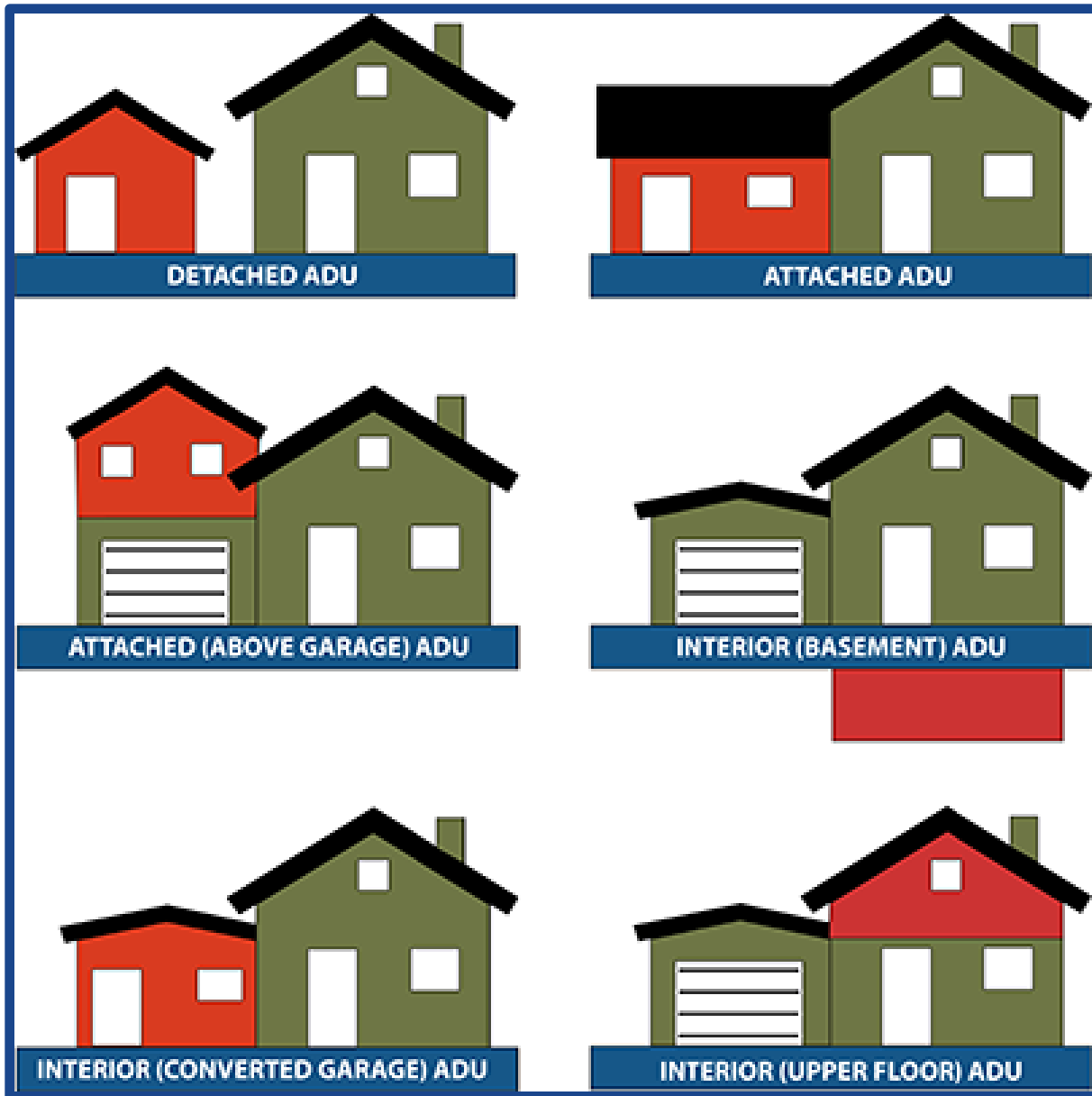
HCD DIVISIONS & SCOPE



Types of ADU

Building Types Mandated & Encouraged by State ADU Laws





ADU Types

The American Planning Association identifies four types of ADUs that State ADU Law also recognizes:

- New Detached
- New Attached
- Converted: Attached (+ JADUs)
- Converted: Detached (Accessory Structures)

ADU AS DEFINED



1. Accessory Dwelling Unit (Defined)

- Provides complete independent living facilities for one or more persons: living, sleeping, eating, cooking, and sanitation.
- Located on a lot / parcel with a proposed or existing primary dwelling.
- Attached or Detached from primary dwelling
- Site-built, Manufactured, or Factory-built Housing.



TYPES OF ADUs



2. Efficiency (Dwelling) Unit –

HSC section 17958.1 & CBC section 1208.5:

(Statutory Prescription)

- Occupancy by no more than two persons
- Minimum floor area of 150 square feet
- May also have partial kitchen or bathroom facilities

(Regulatory Prescriptions)

- The unit shall be provided with a separate closet.
- Kitchen sink, cooking appliance, and refrigerator clear working space of not less than 30 inches in front.
- Complying light and ventilation.
- Minimum area in CBC 1208.4 does not apply



TYPES OF ADUs

3. Manufactured Homes - HSC § 18007.



- Labeled by the U.S. Department of Housing and Urban Development.
- Construction Standards: Federal Manufactured Home Construction and Safety Standards. CFR T24, Subtitle B, Chapter XX, Part 3280.

MANUFACTURED HOMES AS ADUs

- Federal Preemption
 - U.S. Code 5403 and CFR 3282.11
- Building Standards.
 - HSC section 18909: New and Used MH shall not be imposed any building standards.
- CBC 202 “Building” CRC R202 “Building” MH are not buildings subject to the Code.
- PV Solar not required.



COMMON CODES AND STANDARDS QUESTIONS

- “Tiny Home on Wheels” or “Tiny Home”, classified as a “statewide exemption ADU”?
- Can cities/counties allow RVs as ADUs?
- Other?

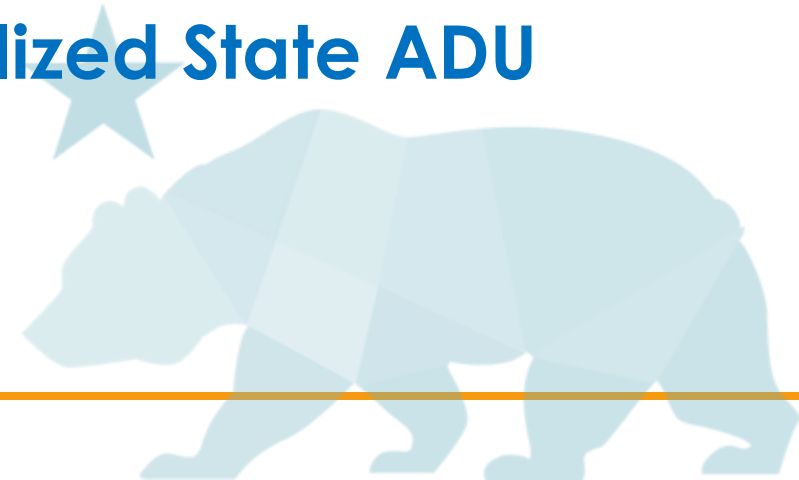


Somewhere in ADU Land...



ABCs of ADU Legislation

Why, Where, and How Californians Have Utilized State ADU Law Preemption in Local Jurisdictions





BENEFITS

- Affordability
 - Land ownership
 - Floor area
 - Wood-framed construction
- Income
 - Homeowners
 - Contractors
 - Local governments
- Family Support
 - Extended
 - Seniors
- Accessibility and caregiving
 - Adult children
- Flexibility
 - Single-person and small households
 - Proximity with privacy



But wait, there's more!¹⁷



BENEFITS

- Housing supply
 - Stealth density
 - Deed-restricted affordable option
 - Condo option (first-time homebuyers)
- Sustainability
 - Infill (vs. sprawl)
 - Saves natural and working lands
 - Reduces driving
 - Compliance with current Energy Code
 - Modestly-sized homes

- Equity
 - Affirmatively Furthering Fair Housing (AFFH)
 - Home equity and wealth building



Legislative Barriers

- Discretionary review
- Occupancy / rental restrictions
- Variations in zoning, design, and development standards
- Noncompliance in unpermitted dwellings
- Frequently changing laws/policies



Legislative History

1982: SB 1534 added Government Code section 65852.2 (since renumbered), which provided for the construction of "second units" with a discretionary permit. This evolved into the stronger contemporary version of State ADU Law, especially since 2016.

2016: AB 2299, AB 2406 and SB 1069 renamed second units "accessory dwelling units," required ministerial approval of ADUs, created "junior accessory dwelling units" as an alternate option, limited parking requirements and created an ADU permitting option not subject to local development standards.

2017: SB 229, AB 2890 and AB 494 authorized HCD to review ADU ordinances for compliance with state law, reduced permitting time from 120 to 60 days in some situations, and eased development standards.



Legislative History

2019: AB 881, SB 13, AB 68, AB 671 and AB 670, further limited development standards, exempted more ADUs and JADUs of a minimum size by right, eased construction on multifamily lots, reduced the permitting deadline to 60 days in more situations, required a program for affordable ADUs in the housing element and limited CC&Rs on ADUs in planned developments.

2020: AB 3182 eased combining an ADU and a JADU on a qualifying lot, limited CC&Rs that restrict the rental of ADUs.

2021: AB 345 allowed separate, limited sale of ADUs, SB 9 allows ADUs/JADUs with additional primary units.

2022: SB 897 reduced further zoning and building barriers for ADUs and JADUs, including requiring denials to include remedies, allows ADUs of 800sf in front setbacks and granted further amnesty for “nonconforming” and unpermitted ADUs and JADUs. Reduces fire and building code restricting development.



2023's Major Leg Cycle

- **AB 1033** – Allows for “condo” model for ADUs.
- **AB 976** – Removes Owner-Occupancy Requirements permanently.
- **AB 1332** – Requires pre-approved ADU plans.
- **AB 434** – Full enforcement over State ADU Law.



Last Year's Leg Cycle (2024)

- **SB 477** – Re-chaptered ADU Law into own Chapter.
- **SB 1211** – Allows for up to 8 detached ADUs on MFD lots.
- **SB 1077** – Requires the Coastal Commission, with HCD, to update guidance to clarify and simplify the permitting process for ADUs in the coastal zone.
- **AB 2533** – Strengthens Unpermitted ADU/JADU pathway to compliance.



AB 2533

- Provides a pathway to compliance for unpermitted ADUs **and JADUs** built prior to 2020 and would relieve certain units of impact/connection fees.
- Cities/Counties have a duty to inform public about GOV 66332, and that they can obtain a confidential 3rd party inspection.
- Inspection allowed, however:

“If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards.”



This Year's Leg Cycle (2025)

- **AB 130** – Specifies that “reasonable restrictions” on ADUs and JADUs in CC&Rs shall not include fees. Removed an authority to apply additional standards to 66323 units. Already in effect.
- **AB 462** – Allows an ADU to receive a certificate of occupancy before the primary dwelling when certain disaster-related conditions are met. Adds review deadlines to coastal development permits and limits CDP appeals. Already in effect.
- **AB 1154** – Limits JADU owner-occupancy requirements to JADUs that share a bathroom with the main house. Prohibits short-term rental of JADUs.
- **SB 9** – Specifies that if a local agency fails to submit an adopted ordinance to HCD within 60 days or fails to respond to HCD's findings within 30 days, that ordinance is null and void.

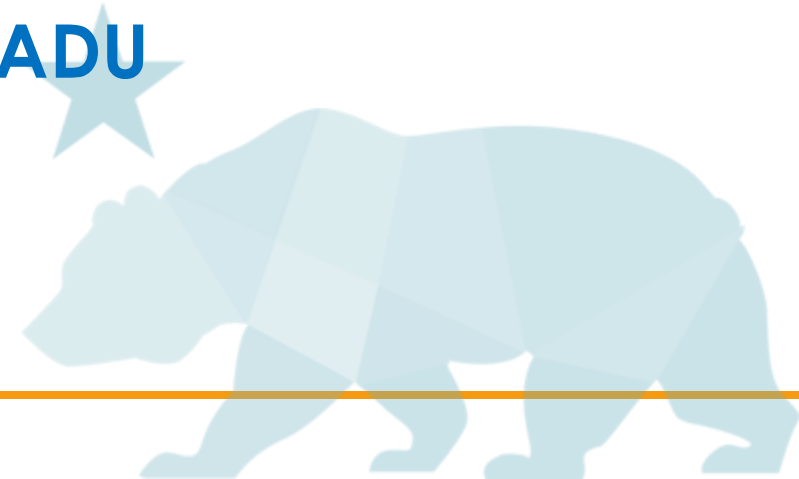
This Year's Leg Cycle (2025) – Cont'd

- **SB 543** – Makes various changes to State ADU Law:
 - Clarifies that 66323 units may be combined.
 - Requires application completeness determinations within 15 days.
 - Clarifies that ADUs of less than 500 SF do not trigger school fees.
 - Includes JADUs in various provisions applying to ADUs, such as limits on impact fees and fire sprinkler requirements.
 - Clarifies that various provisions on ADU and JADU floor area relate to the floor area of interior livable space.



Existing ADU Law's Legislative Intent

Enacted as an overarching guide to all CA ADU
Statutes implemented locally



Government Code Section 66310

- ADUs help to address the housing shortage.
- ADUs can help address the housing needs of traditionally underserved groups (e.g., elderly people, people with disabilities, etc.) because they are often built with a particular resident's needs in mind.
- ADUs can add housing supply without dramatically changing the look and feel of existing neighborhoods.



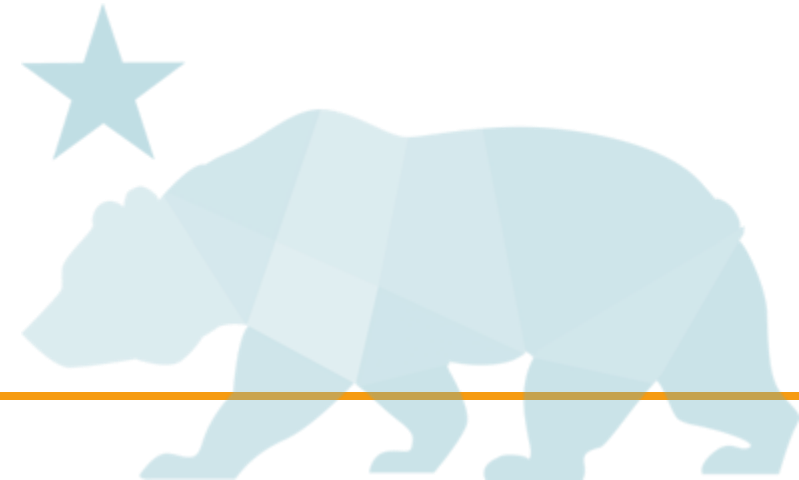
Government Code Section 66311

It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including **unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome** so as to **unreasonably restrict** the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.



ADU Zoning + Siting

Fire, Water, Sewers, Cars, and History





Designated Areas - Zoning

- ADUs may be sited based on “the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.”
- Local utility providers and local agencies must coordinate and determine the adequacy of water and sewer services.

Water Boards

- Local Area Management Programs (LAMPs) may have specific requirements related to onsite wastewater programs.
- These requirements should be provided by the local agency as part of a full list of comments if deficiencies are present.

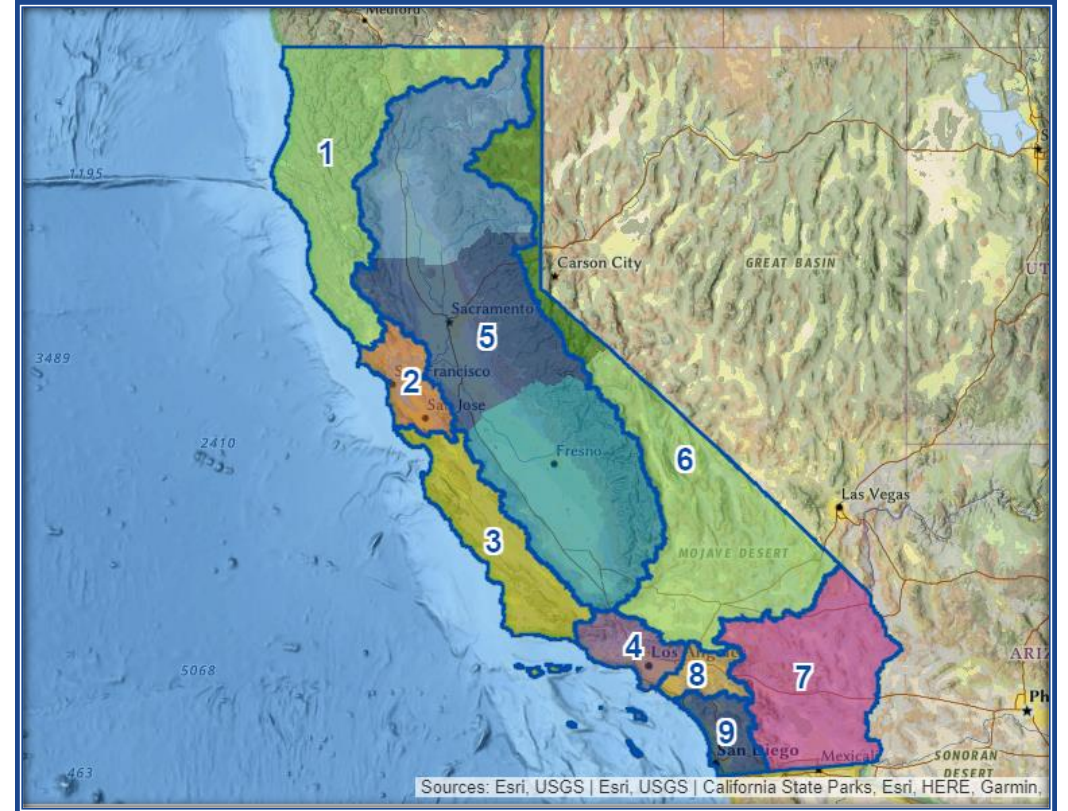


Water Boards

Please see:

https://www.waterboards.ca.gov/water_issues/programs/owts/owts_policy.html

For more information please contact your local Regional Water Control Board



Designated Areas - Sewage

- Local and county health departments may require Onsite Wastewater Treatment Systems (OWTS).
- OWTS requirements may include to providing a percolation test completed within the past 5 years.
- 10 years if the percolation test has been recertified.
- ADUs may be restricted or require a will-serve letter from the local agency in areas with known sewer deficiencies.



Designated Areas - Traffic

- Local agencies may designate areas where ADUs may be permitted based on traffic flow and public safety.
- This includes areas where streets are not adequate for additionally required fire services.
- This does not apply to any parking deficiencies in areas where replacement parking is not required.



Flood Areas

- ADUs Law is silent on flood plains, however if there is sufficient evidence that flood is a risk and other dwelling units are required to comply with additional building or preclusions, the ADU may also be required to do so.
- Any preclusions or limitations based on flood plains must apply to specific areas as opposed to specific projects.
- Local agencies should consider whether an ADU project could proceed safely with flood hazard mitigation measures.



Water Availability

- Government Code 66314, subdivision (a) allows local agencies to designate, by ordinance, areas in which ADUs may be permitted. The designation of areas may be based on the adequacy of water and sewer services.
- Water utility approval may be required prior to permitting an ADU.
- A "will serve" letter may be required.
- Area designations should be based on written, objective standards in effect at the time an application is submitted.



Fire / SRA Areas

IMPORTANT: The FHSZ mapping is not intended to serve as a development moratorium. Rather, according to CAL FIRE, these maps are intended to be used for planning purposes and mitigation measures, and not to effectuate a limited scope of actions on buildings and lots.



Fire / SRA Areas

- Implementing wildland-urban interface building standards for new construction.
- Natural hazard real estate disclosure at time of sale.
- 100-foot defensible space clearance requirements around buildings.
- Property development standards such as road widths, water supply and signage.
- Consideration in general plans.
- Restrictions must be based on substantial findings.



Historical Resources

- Government Code 66314, subdivision (b)(1) allows local agencies to designate, by ordinance, standards that prevent “adverse impacts on any real property” located on lots listed in the **California Register of Historical Resources**.
- Local Agencies may not preclude ADUs based on local historic preservation or other registries or lists.
- Historic preservation standards must be objective.



Zoning Development Standards

- All ADUs must be permitted if lot “zoned to **allow single-family** or **multifamily** dwelling residential use and **includes** a proposed or existing dwelling.

Zoned to allow = zoned for = zoning permits

- A zone that permits principally multifamily but that permits single-family uses is zoned to allow for single family homes.
- A lot that permits **no single-family** uses that **lacks** a proposed/existing **SFD** = NO JADU.



Zoning Development Standards

- 66323 units, sometimes referred to as "State Mandated" ADUs are allowed in all **residential** and **mixed-use** zones (even if creating the primary dwelling would require a discretionary permit.)
- If a commercial or other zone includes residential uses, it is a mixed-use zone.
- If the zone permits any residential uses, even conditionally, ADUs / JADUs must be permitted ministerially with an existing or proposed primary dwelling.



May A Local Agency Apply An Oak Tree Preservation Ordinance? (no removal of oaks to build ADUs)

No. A separate ordinance may not be the basis of delay or denial for an ADU with an existing or proposed single-family dwelling under Government Code section 66315, however if such a restriction is incorporated into the ADU ordinance as an objective standard, it could be allowed for ADUs created pursuant to Government Code section 66314.



Are ADUs and JADUs Allowed In Mobilehome Parks?

No. State ADU Law does not apply to Mobilehome Parks nor the Mobilehome Parks Act and its regulations.



May A Local Agency Apply Significant Ecological Area Restrictions?

No. According to Government Code section 66314, subdivision (a)(1), there are specific criteria by which ADU zoning may be allowed, and additional restrictions are not permitted within locally designated special zones, such as special ecological areas. Wildland preservation areas, very high fire hazard severity zones, etc., are not able to prevent ADUs.

However, in the coastal zone, additional regulations to protect biological resources may be permissible.



ADU Standards + Codes

Objective Design, Development, and Building Code Standards



Objective Standards

(Gov. Code, § 66313 (h), 66314, and subd. (b)(1))

Local Agencies must impose only objective standards on ADUs that “involve no personal or subjective judgment by a public official and are **uniformly verifiable** by reference to an external and uniform benchmark or criterion” *prior to* the submittal of an ADU permit application.

NOT APPLICABLE TO 323 ADUs (Gov. Code, § 66313 (h), 66314, and subd. (b)(1))



ADU Objective Standard Review



Is it objective, though?

- *Must be verifiable, quantifiable, enumerated or calculable by both parties independently.*
- *Must be “uniformly equivalent in substance” as observed by two different persons or two different perspectives.*
- *Must be available to the applicant, by ordinance, regulation or by other written, public means, prior to permit submission.*



Objective Design Examples

OBJECTIVE

- Must match roof pitch.
- Thresholds must be a minimum of 36 inches wide.
- Exterior ADU entrances shall not face the lot frontage.

NOT OBJECTIVE

- Must be a compatible roof pitch.
- Thresholds must accommodate wheelchairs.
- ADU Entrances shall be aesthetically similar to that of the primary unit.

Objective Design Examples

OBJECTIVE

- ❑ Second story units shall have a 2-foot steeped setback on the second level.
- ❑ Walls shall be constructed of brick, stone, concrete, textile block, wood, iron, or steel.
- ❑ Trim colors must substantially match the colors of either the primary unit or one of adjacent lot primary units.

NOT OBJECTIVE

- ❑ Second story units shall comply with a steeped setback.
- ❑ Walls shall be constructed of highly durable, high-quality material.
- ❑ Trim colors must be in architectural harmony with the neighborhood,



Local Building Codes

- Any local building code amendments which an agency has established by ordinance in addition to the adoption of the 2022 CRC/CBC may be applied to ADUs as described in **Gov. Code, § 66313 (d)(8)**.
- Seismic requirements, wind loads, fire safety, etc.
- ADU statute is largely silent on building codes, and they will generally take precedence.



Local Building Codes – Cont'd

- Local Code Amendments
 - Amended pursuant to Title 24
- ADUs do not have separate definitions for:
 - Height
 - Stories
 - Floor Area



Solar Requirements

- Solar is required on new construction ADUs – There are exceptions, but they are few and far between.
- Conversions and additions are not required to include solar.
- Solar on ADUs is subject to **2022 CRC/CBC**, and the remainder of Title 24.



Sanitation Requirements

- **Government Code, § 66314 (d)(8)**
 - Local Building Codes may apply
 - Washer hookups – **CPC Table 422.1** minimum reqs for R-3 Residential occupancy*
 - Dryer hookups – **CEC Section 150.0** – “Mandatory Features”*
- **Health & Safety Code § 17920.3**
 - Ex. “Lack of, or improper kitchen sink”

*New-construction, single-family ADUs only



Energy Codes

- **Health & Safety Code § 17920.3**
 - Ex. “Lack of adequate heating”
- Title 24 energy calcs.
 - **CRC Section R303.10**
 - **Table R302.1**



Are ADUs on Multi-family lots required to be accessible?

If the ADU is built on a lot with an existing or proposed covered multifamily dwelling, then the ADUs would also be required to meet accessibility requirements. These can include a compliant path of travel.



Can a change of occupancy be required for a duplex/half-plex attached to an ADU?

- Unless the building official/enforcement agency makes written findings based on substantial evidence, local building codes do not apply to ADU, “R occupancy” changes (e.g., R3 to R2)
- “Substantial evidence” is determined by the enforcement agency. However, such evidence cannot be the same as the requirements for single-family dwelling becoming a multi-family dwelling within the Building Code.



Does the phrase “local building code requirements” include the Fire Code and other codes?

Yes. Local building requirements would apply to those codes relating to the construction on new and existing structures, as adopted and amended by the local agency.

This does not mean that these local requirements may restrict areas which are explicitly addressed in statute, such as Group R Occupancy changes, or triggering fire sprinkler requirements.

(Gov. Code § 66314, subd. (d)(8) and (d)(12)



Building ADUs

Size, height, parking, open space and other limitations & exemptions



ADU Size Requirements

A local agency may set maximum / minimum sizes for ADUs:

- One Bedroom ADUs: No less than 850 SF
- Two or more ADUs: No less than 1,000 SF
(Gov. Code, § 66321, subd. (b)(2).)
- State Maximum size of a detached ADU: 1,200 SF
(Gov. Code, § 66314, subd. (d)(5).)
- State Maximum size of an attached ADU: 50% of Primary Dwelling
(Gov. Code, § 66314, subd. (d)(4).)
- Minimum size of an ADU: 150 SF
(Gov. Code, § 66321, subd. (b)(1); 66313, subd. (c); HSC § 17958.1.)



Calculating Floor Area Sizes

CBC defines “Floor Area, Gross” as: Floor area within the inside perimeter of the exterior walls, minus vents and courts.

- For areas not provided with walls:
Usable area under horizontal projection of roof or floor above.
- **Gov. Code, § 66314, subd. (d)(8)**, requires that ordinance must comply with local building codes.
- Unless local building code definition of floor area, gross, has been altered by local process, must calculate to CBC.



Passageways

- “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit (**Gov. Code, § 66313 subd. (i)**)
- Cannot require driveways, walkways, or unobstructed “sight” to the street.
- Exception: Conversions within existing or proposed Covered Multi-family dwellings that are required to upgrade to California accessibility / ADA requirements. (**2022 California Building Code § 1101A.1, Scope**)



Height Requirements

Height refers to the average roof pitch, measured as “The vertical distance from grade plane to the average height of the highest roof surface. **(2022 California Building Code, R202 “Definitions”)**”

A local agency may establish maximum height requirements, which can be no lower than:

- 16 ft for detached ADUs.
- 18 ft if detached ADU is within ½ mile of major transit stop/high quality transit corridor, in addition to another 2 ft to align roof pitch with primary dwelling **(Gov. Code, § 66321, subd. (b)(4)(B).)**



Height Requirements (Cont'd)

- 18 ft for detached ADU on a lot with an existing or proposed multifamily, multistory building.
- 25 ft or local zoning limitation, whichever is lower, for an attached ADU.
- Attached ADUs may **not** be limited to one story.

(Gov. Code, § 66321, subds. (b)(4)(C)-(D).)



Setback Requirements

- ADUs converted from existing space have no setback requirements (**Gov. Code, § 66314, subd. (d)(7).**)
- All other side and rear setback requirements may be no greater than 4 feet (**Gov. Code, §§ 66314, subd. (d)(7); 66321, subd. (b)(3).**)
- Front setback requirements apply with exceptions we will discuss later.



Parking Requirements

- One parking space per unit or bedroom, whichever is less (studios without bedrooms do not require parking).
- All parking may be provided:
 - As tandem parking
 - Within setback areas
- No additional parking:
 - When garage, carport, or uncovered parking is demolished
 - JADUs



Parking Requirements (Cont'd)

Gov. Code, § 66322, subd. (a)



No parking standards in the following instances:

- Where ADU is within ½ mile of public transit.
- Where ADU is located in historically significant district.
- Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- On-street parking permits are required but not offered.
- A car share is located within one block of the ADU.
- An application meeting any of the above criteria is submitted alongside an application for a new single-family or multifamily dwelling.

Do solar photovoltaic panels, chimneys, etc. added on ADU rooftops impact allowable heights?

- **Government Code, section 66321, subdivision (b)(4)** specifies height limitations, i.e., the lowest maximum a local agency is allowed to implement, not the highest that an ADU is allowed to be.
- Additionally, California Building Code defines “Building Height” as the vertical distance from the grade plan, to the average height of the highest roof surface.
- Therefore, the additional projections (e.g., flues, vents, exhaust, chimneys) should **not** factored into the building height.



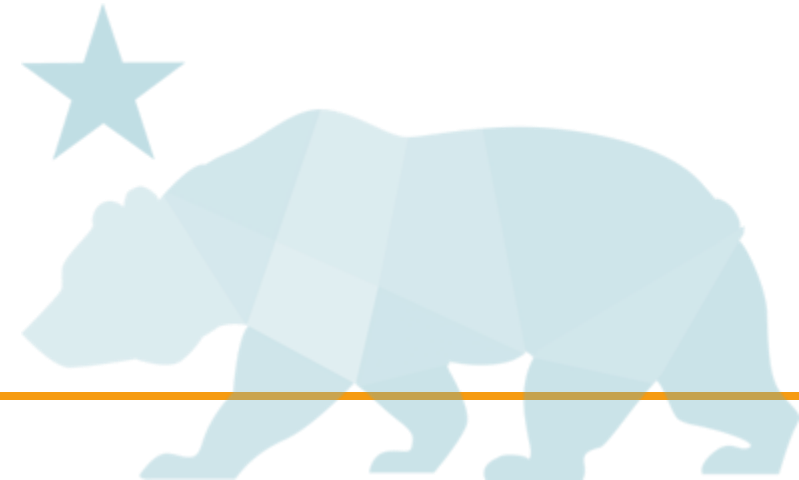
Can Local View Ordinances or Single-story Restrictions Be Applied?

- Under **Government Code section 66321, subdivision (b)(4)**, a local agency may not impose heights below those required for specific circumstances or configurations. (16ft, 18ft, 20ft, 25ft, etc)
- This includes restrictions on both height, and number of stories, since both are addressed within State ADU Law.
- Remember: Even objective standards cannot impose a requirement which directly conflicts with State ADU Law.



JADUs

Exemptions and Special Conditions



JADU Zoning Requirements

- Zoned to allow single-family.
 - Not exclusively single-family zoning.
 - Any zoning that allows SFRs.
- May only be converted within existing walls of SFRs.
 - This includes attached garages, etc.
- Limited to one JADU per lot.

(Gov. Code, § 66333)



JADUs – Objective Standards

JADU Law spells out specific standards which may apply, requires a deed restriction which conforms to Article 3, and are not subject to the same objective standards as ADUs.

(Gov. Code, § 66333 subd. (c)(2))



JADU Size Requirements

- Maximum size of a JADU: 500 SF

(Gov. Code, § 66313, subd. (d))

- Minimum size of a JADU: the minimum size is subject to applicable building and residential codes.
 - At least 7 feet in any plan direction.

(2022 California Building Code § 1208.1 Minimum Room Widths, § 1208.3 Room area)



JADU Efficiency Kitchens

- A cooking facility with appliances.
 - Any cooking appliances will suffice, no specific requirements for stoves, ovens, etc.
 - May be gas or electric – 220A receptacles allowed, but not required.
- A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - No specific size requirements, no dimensions.
- JADUs are not efficiency units and efficiency kitchens are not the same as the "partial kitchen" required in efficiency units.



JADUs – Sanitation

- JADUs *MAY* share bathroom and sanitation facilities
- Service requirements may apply if they are applied to all SFRs regardless of JADU.

(Gov. Code, § 66333), subd. (e)



JADUs – Utilities

- JADUs are not considered a “separate or new dwelling unit” for sewer, water, or power.
- Service requirements may apply if they are applied to all SFRs regardless of JADU.

(Gov. Code, § 66338)



JADUs – Fire Safety

- JADUs are not considered a “separate or new dwelling unit” for fire or life protection ordinances or regulations.
- Fire or life protections may apply if they are applied to all SFRs regardless of JADU

(Gov. Code, § 66337)



FIRE

Sprinklers, Separations, WUIs, and Other Measures



Fire / Fire Severity Zone Mitigation

- ADU development in a FHSZ must conform with standards set forth in **Chapter 7A of the California Building Code (CBC), California Residential Code (CRC) Section R337, Chapter 49 of the California Fire Code (CFC)**, and the Minimum Fire Safe Regulations in the **Public Resources Code Section 4290 (14 CCR 1270 et seq.)**.
- These codes establish and/or strengthen development standards that govern residential development within a VHFHSZs (Wildland-Urban Interface Fire Areas.)
- Both **CBC Chapter 7A and CFC Chapter 49** require compliance with the requirements for defensible space and building in wildfire prone areas pursuant to **Government Code sections 51175-51189**.



Fire / Fire Severity Zone Mitigation

- These designations were not intended to prevent construction in these areas.
- In fact, they are intended to do the opposite, to create **MORE** homes in these areas built to the standards in **CRC R337, CBC Chapter 7A, and CFC Chapter 49.**



Fire Sprinklers

- Precludes ADU construction from triggering a requirement that “fire sprinklers be installed in the existing primary dwelling” (**Gov. Code, § 66314, subd. (d)(12).**)
- Precludes ADU construction from triggering a requirement for “fire sprinklers to be installed in the existing multifamily dwelling” (**Gov. Code, § 66323, subd. (d).**)



Fire Sprinklers – Occupancy Change

- Provides that the construction of an ADU does not constitute a Group “R” occupancy change under the local building code, except as specified (**Gov. Code, § 66314, subd. (d)(8).**)
- Fire sprinklers are statutorily limited. A local jurisdiction **cannot** enforce more restrictive amendments on ADUs and JADUs.



Fire Safety - Background

- Previously there was guidance that stated that adding an attached ADU to a duplex constituted an occupancy change from R3 to R2, which then required fire sprinklers for both units. This guidance was updated with **CAL FIRE Info Bulletin 25-004**.
- The legislature clarified that fire sprinklers are not required in ADUs when not required for existing primary residence.
- ADU Law now mandates that an ADU permit application may not lead to a change in residential occupancy, except from nonresidential to residential.



Fire Safety – Local Determinations

Exception: a local agency's building official may make a written finding that the construction of the specific ADU, without an occupancy change, could have a **specific, adverse impact** on public **health** and **safety**.

Finding must be substantially different from moving from single-family to multi-family.

Setbacks vs. Fire Separations

Setbacks

- Zoning regulations.
- No greater than 4ft side and rear.
- Rare alternatives
- Otherwise subject to local zoning.

Fire Separations

- Health & safety regulations
- Mitigation measures
- Alternatives include:
 - Sprinklers
 - Fire-resistance rated construction
- Supersede zoning regulations

Setbacks vs. Fire Separations (Cont.)

Single-Family Fire Separations

- CRC:
 - **Table R302.1(1)** and
 - **Table R302.1(2)**

Multifamily Fire Separations

- CBC:
 - **705.3** – Bldgs. on same lot
 - **Table 705.5**
 - **Table 705.8**
 - **Table 706.4**



Setbacks vs. Fire Separations (Cont.)

**TABLE R302.1(1)
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.3 of the <i>California Building Code</i> with exposure from both sides	0 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{a, b}	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	NA	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

**TABLE R302.1(2)
EXTERIOR WALLS—DWELLINGS AND ACCESSORY BUILDINGS WITH AUTOMATIC RESIDENTIAL FIRE SPRINKLER PROTECTION**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the <i>California Building Code</i> with exposure from the outside	0 feet
	Not fire-resistance rated	0 hours	3 feet ^a
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{b, c}	2 feet ^a
	Not fire-resistance rated	0 hours	3 feet
Openings in walls	Not allowed	NA	< 3 feet
	Unlimited	0 hours	3 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet ^a

**TABLE 705.5
FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE^{a, d, g}**

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H ^e , L	OCCUPANCY GROUP F-1, M, S-1 ^f	OCCUPANCY GROUP A, B, E, F-2, I, R ⁱ , S-2, U ^h
X < 5 ^b	All	3	2	1
5 ≤ X < 10	IA, IVA	3	2	1
	Others	2	1	1
10 ≤ X < 30	IA, IB, IVA, IVB	2	1	1 ^c
	IIB, VB	1	0	0
	Others	1	1	1 ^c
X ≥ 30	All	0	0	0



Exemptions for ADUs

Exemptions, Preemptions, State Mandates



Zoning / Lot Exceptions

Gov. Code, § 66321, subd. (b)(3)

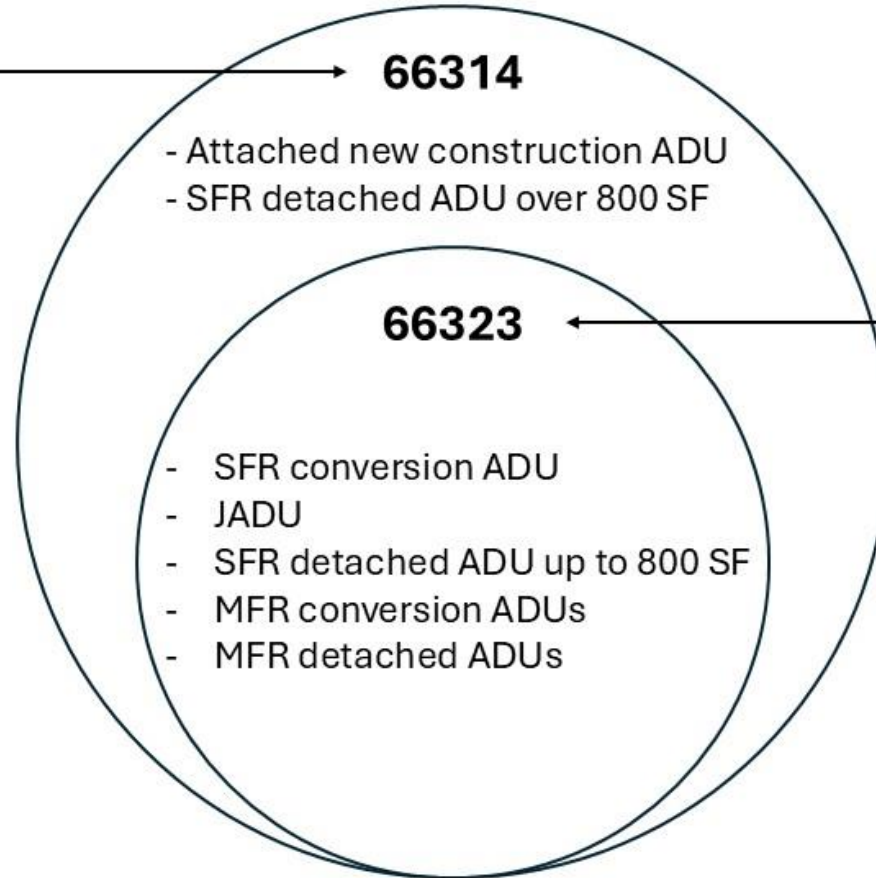
An ordinance must permit for an ADU of at least 800 SF, which has 4ft side and rear setbacks and meets local development standards, regardless of:

- Zoning clearance or separate zoning review.
- Any other minimum or maximum size for an ADU.
- Size based on existing primary dwelling.
- Limits on lot coverage, floor area ratio, open space.
- Front setbacks.



66314 and 66323 ADUs & JADUs

66314 units are subject to the full range of local objective development standards permitted by State ADU Law, with a valid ADU ordinance.



66323 units are only subject to the standards included or referenced in section 66323.

Gov. Code, §§ 66314 & 66323.

SF: square feet, SFR: single-family primary residence, MFR: multifamily primary residence.

Updated: 6/11/2025



Government Code § 66314 vs § 66323 Units

314

- Subject to local design/dev objective standards in a valid local ADU ordinance.
- SF detached ADUs > 800 SF up to 1200 SF, attached new construction subject to 50% rule.

323

- NOT subject to local objective standards.
- Max/Min contained within 323 (e.g., side/rear setbacks, height allowances).
- Requires only a building permit other than specified state zoning standards.



Notes on 66323

- 66323 was recently amended by AB 130, (Chapter 22, Statutes of 2025).
 - Local agencies used to be able to apply more regulations to 66323 units if they allowed MF conversion ADUs by a cutoff date in 2018.
 - The bill removed that authority.
 - Change took effect 6/30/2025 (budget trailer bill).
 - Creates more consistency in how 66323 units are regulated.
- If rented, 66323 units must be rented out for at least 31 days.
 - For 66314 units, the local agency may or may not require long-term rental.

Units Created Under Gov. Code, § 66323

66323 units must be approved "notwithstanding" rules in an ADU ordinance:

- “Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following...”

No outside development standards allowed:

- "A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."

"Any" = "All which apply" – so single-family or multifamily ADUs must be permitted to be combined based on the primary dwelling type on a qualifying lot.



Units Created Under Gov. Code, § 66323

Single-Family

One ADU and one JADU within existing space (converted)

- Setbacks for fire and safety apply.
- JADU must be created pursuant to Article 3.
- ADUs constructed from accessory structures can add 150 SF for ingress/egress only. (Gov. Code, § 66323, subd. (a)(1))

One ADU, detached, new construction up to 800 SF

(Gov. Code, § 66323, subd. (a)(2))



Units Created Under Gov. Code, § 66323

Multifamily

Converted - At least one, and up to 25% of existing multifamily units. The ADUs must be converted from existing **non-livable spaces**.

- These include storage & boiler rooms, passageways, attics, basements, garages, pool rooms, leasing offices.

Detached – Up to eight detached ADUs on a lot with an existing multifamily dwelling (not to exceed # of existing units), or two detached ADUs on a lot with a proposed multifamily dwelling.

Units Created Under Gov. Code, § 66323(a)(3)

Multifamily

State Building Standards for dwellings

- Apply to all ADUs, including local amendments

Livable Space

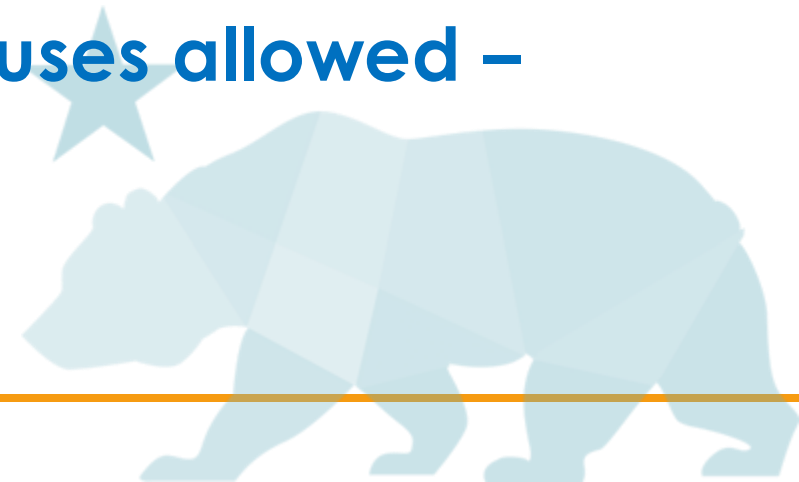
- **Living Space:** *utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.*

Commercial Conversion

- Scenario applies to mixed-use buildings.
- State ADU Law does not require, but local agencies may allow.

Pathway to Compliance for Unpermitted ADUs

Nonconformances, violations, unpermitted uses allowed – except for health and safety issues

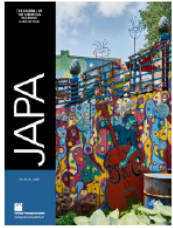


Background

- The Legislature has recognized that unpermitted (informal) ADUs and JADUs are widespread.
- Informal ADUs are a response to the need for housing but raise valid safety concerns.
- Purpose of Government Code section 66332 is to provide flexibility on regulations that are not safety-related while ensuring units meet basic safety and habitability standards.
- Traditional code enforcement sometimes results in the loss of housing that could be permitted on safety grounds alone due to nonconforming zoning conditions.
- References: Government Code section 66332, Health and Safety Code section 17920.3.



Background



Journal of the American Planning Association



ISSN: (Print) (Online) Journal homepage: www.tandfonline.com/journals/rjpa20

Not (Officially) in My Backyard

Characterizing Informal Accessory Dwelling Units and Informing Housing Policy With Remote Sensing

Nathanael Jo, Andrea Vallebuena, Derek Ouyang & Daniel E. Ho

To cite this article: Nathanael Jo, Andrea Vallebuena, Derek Ouyang & Daniel E. Ho (03 Jun 2024): Not (Officially) in My Backyard, Journal of the American Planning Association, DOI: [10.1080/01944363.2024.2345730](https://doi.org/10.1080/01944363.2024.2345730)

To link to this article: <https://doi.org/10.1080/01944363.2024.2345730>

- Study estimated the ratio of informal to permitted ADUs in the City of San Jose between 2016 and 2020.
- Ratio was approximately 3-4 : 1 (informal to permitted).
- Informal ADUs were more common in diverse, dense and overcrowded neighborhoods.
- Underscores the need for flexible regulations while maintaining core safety standards.



Nonconforming Zoning Conditions

- “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- Government Code section 66322, subdivision (b), and section 66323, subdivision (c) for ADUs.
 - Limit denials based on nonconforming zoning conditions, building code violations or unpermitted structures with exceptions.
- Government Code section 66336 for JADUs.
- Conditions include; driveway, current dwellings or structures which do not conform to zone, heights, setbacks, parking requirements or other development standards that come from zoning ordinances.



Existing Building Code Violations

State ADU Law only required Permitting Agencies to delay building code violation enforcement for 5 years if “correcting the violation is not necessary to protect health and safety”.

AND IF:

- ADU was built before 2020; OR
- ADU was built after Jan 1, 2020; in a jurisdiction OUT OF COMPLIANCE @ time of construction that is currently IN COMPLIANCE.

•(HSC § 17980.12; GC § 66331)



Building Code Violations

Law states: Building code violations which do not present a threat to public health or safety and are not affected by the construction of the ADU or JADU cannot be a reason for denial of the ADU or JADU application.

(Gov. Code, §§ 66322, subd. (b); 66336.)



Building Standards Violations

Any building standards violation?

ADU Applications must comply with local building standards per 66314 (d)(8). Proposed ADU applications must be reviewed for compliance with State Law, local ordinance and building standards.

IF resulting ADU complies with applicable building standards,

- THEN it would be compliant with the requirements of 66314 (d)(8).
- The violation cited in the denial **must** be a H&S violation.
- ***Ultimately at jurisdiction's discretion.***



Denials for Health & Safety Issues



- Must cite a health and safety reason.
- The criteria should be an “imminent threat to life safety,” as determined by the local building/fire official; might result in deeming a structure ‘substandard’.
- Most cited conditions: Electrical system malfunction, water damage, foundation and framing deterioration.

When can someone continue to use an unpermitted ADU?

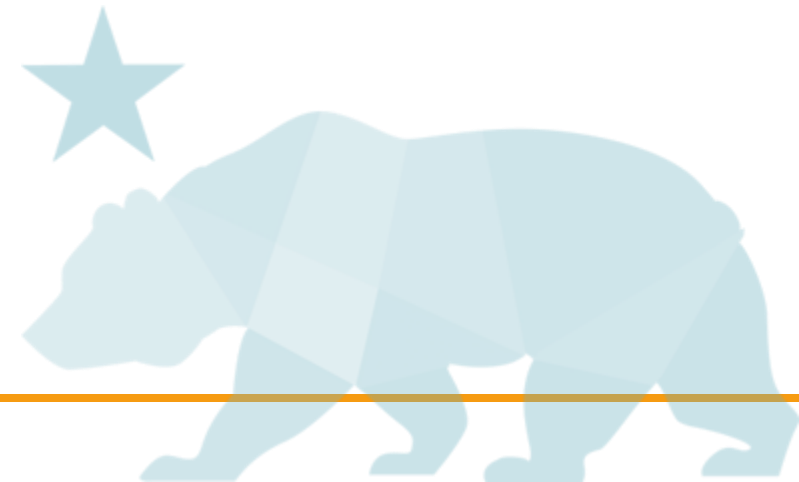
- A local agency may require permits and a certificate of occupancy for an unpermitted ADU/JADU including corrective work that may be needed to make the ADU/JADU compliant with applicable codes.
- May also restrict or deny occupancy of the ADU until such time as it is permitted and inspected. However, property owners can request a delay of enforcement for five years in certain circumstances.

(Gov. Code, §§ 66322, subd. (b); 66336.)



Permitting Informal ADUs

aka “Legalize that structure!”



Unpermitted / Informal Dwellings

- Previously, only Gov. Code section 66331 required delay in building code enforcement.
- Now qualifying informal ADUs or JADUs must be permitted even if they don't comply with certain standards in State ADU Law (Gov. Code, § 66332).
- Enforced in tandem with Gov. Code, §§ 66322 subd. (b); 66323 subd. (c) to protect thousands of unpermitted dwelling units, allowing them to be brought into compliance with core health and safety standards.

(Gov. Code, § 66332)



Unpermitted Structures

- Applications to permit informal ADUs and JADUs constructed prior to January 1, 2020, may not be denied based on nonconformance with certain building standards, State ADU Law, or a valid local ADU ordinance.
- However, a local agency may deny such an application if a written finding is made, that correcting a violation would be necessary to prevent the building from being "substandard," as defined in HSC 17920.3.

(Gov. Code, § 66332)



Unpermitted Structures

- Unpermitted structures are considered "existing" for the purposes of ADU law.
- Unpermitted structures which do not present a threat to public health or safety *and* are not affected by the construction of the ADU or JADU cannot be a reason for denial of the ADU or JADU application.
- If subject of ADU application, unpermitted structure does not 'affect' the unpermitted status but corrects it.
- This includes use permits for existing, unpermitted ADUs.

(Gov. Code, §§ 66322 & 66336)



Unpermitted Structures

No statutory definition, but includes **accessory structures, and residential buildings** that are fully or partially constructed, but not permitted by the local jurisdiction.

Per California Building Standards Code, no building or structure may be *erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished* without a permit, with limited exceptions.

These include:

- Garages, Carports, sheds or other storage spaces.
- Porches, terraces, fire pits, swimming pools, gazebos.
- Breezeways and trellises.
- Dwellings, in full or in part.



AB 2533 (2024)

- Provides pathway to compliance for unpermitted ADUs and JADUs built prior to 2020 and would relieve certain units of impact/connection fees.
 - Impact/connection fees allowed if 1) necessary for utility infrastructure needed to prevent a building from being "substandard" and 2) compliant with GOV 66324.
- Cities/Counties have a duty to inform public about obtaining compliance, and that they can obtain a confidential 3rd party inspection.
- Inspection allowed, however: "If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards."



Applicability

What are Informal ADUs?

- Depends on the facts that surround the unpermitted unit being reviewed. Any dwelling unit that meets the definition of Gov. Code section 66313 subd. (a), and that has not been permitted or authorized by the local agency, would be considered an unpermitted ADU.
 - Attached or detached dwelling providing complete, independent living facilities with an existing or proposed primary dwelling.
- Ultimately permittee has the burden of proof regarding construction dates. Local jurisdictions must not deny unpermitted ADUs or unpermitted structures unless deemed "**substandard**" pursuant to HSC 17920.3.
 - Witness testimony, receipts, dated photos are examples of ways applicants can prove the date of construction.



Government Code section 66332

This section does not apply to a building which is substandard pursuant to section 17920.3 of the Health and Safety Code.



Unpermitted Dwellings

- Can be found across the state in urban, suburban and rural jurisdictions.
 - Some academic researches study what makes people more likely to build informally and what policies are effective at ensuring an adequate supply of housing that is permitted and safe.
- Jurisdictions may still pursue code enforcement as normal for violations unrelated to ADU or JADU construction.
- As part of the permitting process for existing ADUs or JADUs, inspectors may require portions of walls, or similar features to be removed and replaced as needed to enable effective inspections.



Substandard Buildings

Criteria include, but not limited to:

Inadequate sanitation

- Lack of hot and cold running water to plumbing fixtures, lack of minimum amounts of natural light, lack of electrical lighting.

Structural Hazards

- Deteriorated or inadequate foundation, framing, floor supports, ceilings, roof supports and similar conditions.

Substandard Buildings

Nuisances

- Nuisance is defined in Civil Code section 3479. Conditions that are any of the following:
 - Injurious to health
 - Indecent or offensive to the senses
 - Obstructing the free use of property

Acoustical insulation exception

- A condition that would require displacement of sound walls or ceilings to meet ... requirements for ... dwelling units shall not by itself be considered sufficient existence of ... a substandard building (HSC § 17920.3).

Substandard Buildings

Inadequate mechanical, electrical or plumbing

- Any installations except those that both complied with applicable codes at the time of installation and are maintained in "good and safe condition" are considered substandard.

Faulty weather protection

- Deteriorated plaster
- Ineffective waterproofing
- Lack of paint or similar exterior wall covering
- Broken wall or roof coverings

Substandard Buildings

Egress

- Buildings lacking adequate exit facilities, unless the exist facilities complied with applicable codes at the time of construction and were maintained and increased, as necessary, in response to any increase in occupant load or change in occupancy.

Other issues

- Inadequate fire-resistant construction
- Inadequate resistance to horizontal forces
- Etc.

Substandard Buildings

- The definition is broad.
- HSC 17920.3 does not relate substandard conditions to specific code sections in Title 24.
- A valid denial based on substandard conditions will cite both the specific building standard in Title 24 and the related substandard condition in HSC 17920.3.
- Citing both the building standard and the substandard condition helps to avoid legal disputes and to explain the local agency's reasoning to the applicant.

Denial Checklist

Proper Denial Based on Building Standards - Due Diligence Checklist

- For all ADUs and JADUs:
 - ✓ Denial is necessary to prevent a condition that is both 1) a threat to public health and safety and 2) related to the construction of the ADU or JADU.
 - ✓ Denial is not based on an existing violation that will be corrected in the process of permitting the ADU or JADU.
- For informal ADUs and JADUs built prior to 2020:
 - ✓ The denial is necessary to prevent a substandard condition as defined by HSC 17920.3.
 - ✓ The written denial cites each building standard at issue and how that standard relates to preventing a substandard condition listed in HSC 17920.3.



What about inspections on unpermitted structures?

- Consistent with California Building Standards Code, inspections required to ensure compliance with applicable laws/regulations, for the purposes of health and safety, are permissible.
- An inspector may require that a portion of a wall covering, or similar structural element, be removed (and subsequently replaced) if necessary to properly inspect an aspect of construction being permitted.

CRC §§ 1.8.3.1, [1.8.4.4](#), [R104.7](#), and [R109.1.5](#) CBC, §§ [1.8.4.4](#), [104.4](#), [104.6](#), and [110](#); CEBC sections 1.8.3.1, 1.8.4.4, 1.11.5, 109.



Occupancy + Conveyance

Occupying, Renting and Selling ADUs



Rental of ADUs and JADUs

- Local agencies **may** require that ADUs created with local design and zoning standards be rented for a period of 30 days or longer.
- Units created under GOV 66323 **must** be rented for a period longer than 30 days.
- Note that the minimum rental terms differ slightly in duration and differ in terms of whether they are mandatory for the local agency to impose.
 - Another example of ADU type (GOV 66314 v. 66323) being significant.
- JADUs may be rented short-term, subject to owner occ. Short-term rentals might be prohibited by AB 1154 (only proposed as of 8/1/2025).



Owner Occupancy

- A local agency may not impose an owner-occupancy requirement on "regular" ADUs (**GOV 66315**).
- There is an exception for ADUs sold to a qualified buyer at an affordable housing cost (**GOV 66341**).
- JADUs require owner-occupancy of either the primary dwelling or the JADU (**GOV 66333 (b)**).
- Exceptions: Government Agencies, Land Trusts, Housing Organizations.



Separate Sale of ADUs

An ADU may not be sold or separately conveyed from the primary dwelling, with two exceptions. The first is sale or separate conveyance of an ADU when:

1. Developer is qualified nonprofit and buyer has low or moderate income.
2. ADU is sold/resold at an affordable housing cost (30% of 70%-80% of AMI for low, or 28-35% of 110%-120% of AMI for moderate, per HSC 50052.5).
3. There is an enforceable restriction on the use of land pursuant to Revenue and Taxation Code section 402.1 (a)(10).
4. Property is held pursuant to a recorded tenancy in common agreement.
5. If requested by utility, ADU has separate connection, notwithstanding Government Code section 66324.



Separate Sale of ADUs

HCD income limits

- Indicate maximum income for each income category
- Unique to each county
- Adjusted for household size
- Examples:

Number of Persons in Household:		1	2	3	4	5	6	7	8
San Mateo County Area Median Income: \$186,600	Acutely Low	19600	22400	25200	28000	30250	32500	34700	36950
	Extremely Low	41150	47000	52900	58750	63450	68150	72850	77550
	Very Low Income	68550	78350	88150	97900	105750	113600	121400	129250
	Low Income	109700	125350	141000	156650	169200	181750	194250	206800
	Median Income	130600	149300	167950	186600	201550	216450	231400	246300
	Moderate Income	156750	179100	201500	223900	241800	259700	277650	295550
Orange County Area Median Income: \$136,600	Acutely Low	14350	16400	18450	20500	22150	23800	25400	27050
	Extremely Low	35550	40600	45700	50750	54850	58900	62950	67000
	Very Low Income	59250	67700	76150	84600	91400	98150	104950	111700
	Low Income	94750	108300	121850	135350	146200	157050	167850	178700
	Median Income	95600	109300	122950	136600	147550	158450	169400	180300
	Moderate Income	114750	131100	147500	163900	177000	190100	203250	216350



ADU Condos

- AB 1033 (2023) allows agencies to opt in to permitting ADU condos.
- San Jose was first in CA. Many cities in Washington and Texas already allow.
- New units must comply with subdivision and common interest development laws.
- Other forms such as TIC still permitted.
- Lienholder consent required (e.g., properties with mortgages).

(Gov. Code §§ 66340-66342)



ADU Condos

Subdivision Map Act (**GOV 66410-66499.41**)

- General rules that govern all subdivisions and local subdivision ordinances.

Davis Sterling Common Interest Development Act (**CIV 4000-6150**)

- General rules for the establishment and governance of common interest developments.
- Condominiums are one of four types of CIDs.

State ADU Law (**GOV 66310-66342**)

- Allowing ADU condos is part of local agencies' authority to be less restrictive than State ADU Law.



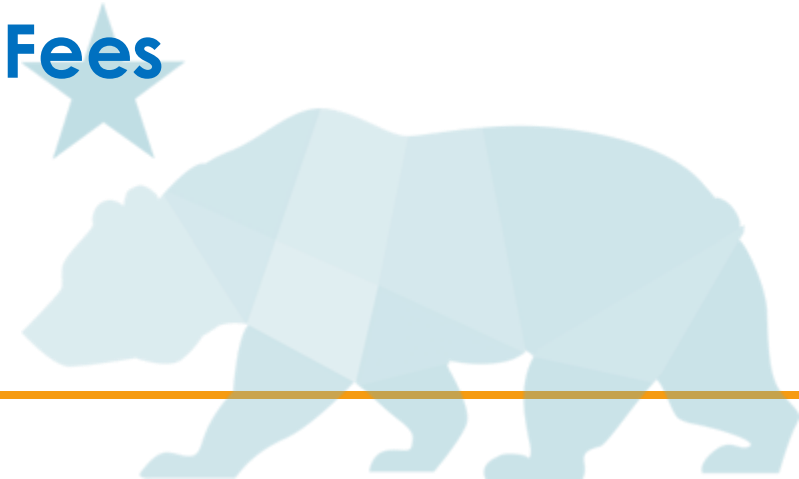
Separate Sale of ADUs

- Significance for housing policy:
 - ADUs are often market-rate developments but can also be deed-restricted affordable homes.
 - ADUs can address the needs of existing homeowners, aspiring homeowners and renters.
 - ADU condos as "naturally affordable"
 - Small units
 - Limited land area
 - Affordable in this context is relative to market conditions
 - Ordinances should be clear on whether they are allowing ADU condos or not.
 - General references to GOV 66342 are sometimes ambiguous.



Permitting Agency Requirements

Permitting Agency Approvals, Denials, and Fees



60 Days to Approve or Deny

- A permitting agency must consider and approve an application for an ADU or JADU ministerially, without discretionary review or hearing.
- A permitting agency has 60 days to approve or deny an application.
- Denial: Must provide a **full set** of comments with a list of items that are defective or deficient, and a description of how the application may be remedied.



60 Days to Approve or Deny (Cont.)

- This 60-day timeline applies to each permitting agency, and the requirement is met when the approval or full set of comments is received.
- A new 60-day timeline for each round of review with full comments.



Fees – Government Code section 66324

- A local agency, special district, or water corporation cannot impose any impact fee on ADU projects under 750 square feet.
- Calculated per unit, not aggregate. (Two 600sf ADUs would not trigger impact fees)
- Over 750sf, must be calculated proportionately.



Fees – Government Code section 66324

- Units converted from existing space under **Government Code section 66323, subdivision (a)(1)**, may not be required to install separate utility connection, unless constructed at the same time as primary dwelling.
- Connection and capacity charges must be proportionate to the burden of the proposed ADU, based upon square feet or drainage fixture units (DFUs).

Fees – Government Code section 66324

- Electrical and gas utilities and public improvements are outside the jurisdiction of ADU law.
- Water & Sewer improvements are addressed on a case-by-case basis.



Fees – Government Code section 66324

- Code enforcement fees may be charged even in cases where enforcement is delayed, however the payment of these fees may not be a condition of permit issuance.
- Additional “work without permits” fees are applicable as permit fees, provided they are justifiable under the Mitigation Fee Act.



Does the 60 Day Time Limit Apply to non-municipal agencies?

The 60-day timeline applies to **any** entity that is involved in the review of an ADU application for which there is no substitute, including special districts, private utilities, and associations.



What about permit or application expirations?

Permit and application expirations for ADUs and JADUs are the same as other building permits-- the standard 12 months timeframe apply.

The requirements for a written request for a 180-day extension still applies to ADUs and JADUs.



Pre-Approved Plan Program

Must have program in place by Jan 1, 2025



AB 1332 (2023) – Pre-Approved ADU Plan Program

- Requires local agency to develop program for “pre-approved ADUs” by 01/01/2025.
- Program must include acceptance of plans for pre-approval.
- No restrictions on who may submit plans.
- Preapproved plans must be posted to website.
- Preapproved plans have 30-day review timeline.
- Local agency *may* develop own plans – *not required*.



Additional Resources

Tips, Tricks, and Technical Help



Cal-Fire Info Bulletin 25-004

- Replaces Bulletins 17-001 and 21-005
- Clarifies Issues on:
 - Fire Hazard Severity Zones
 - Access and Water Supply
 - Unit quantities



2025 ADU Handbook

- Now available in multiple languages!
- Clarifies Issues on:
 - 66323 unit combinations
 - Townhomes and multifamily ADUs
 - HOAs





APPLICATION COMPLETENESS

- Clarifies when an ADU application is complete
- Completeness starts the 60-day clock to approve or deny
 - Permit Streamlining Act
 - 30-day rule
- Clarifies rights and responsibilities for prompt review



Citation: Gov. Code, § 65943



TOWNHOMES

- The definition of “single-family dwelling” was clarified to include townhomes.
- Townhouse (**CBC § 202**)
 - Group of three or more attached dwelling units.
 - Units extend from foundation to roof.
 - Open space on at least two sides.

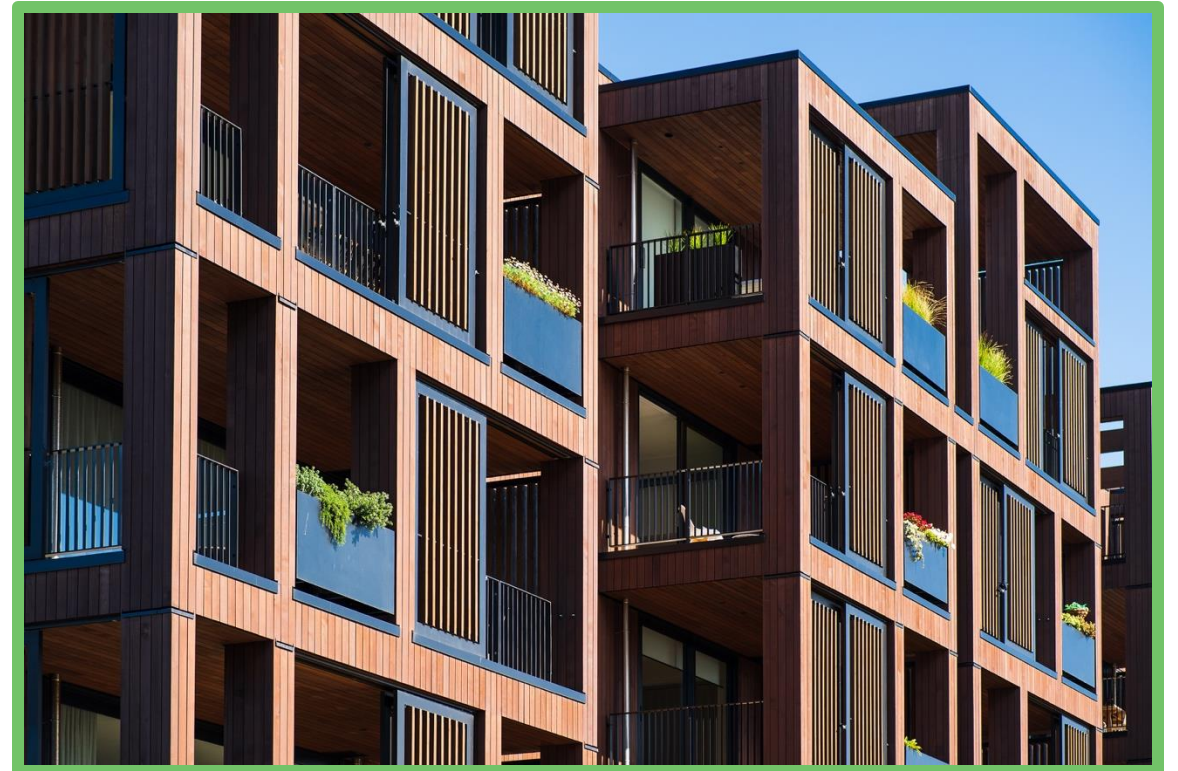
- The single-family 66323 units are allowed with townhomes.





MULTIFAMILY CONVERSIONS

- Conversion of existing multifamily dwellings
 - Possible in areas not used as livable space
 - 25% rule
- A leasing office supporting a multifamily dwelling structure is eligible.



Citation: Gov. Code, § 66323, subd. (a)(3)



66323 COMBINATIONS TABLE

Clarifies allowable unit combinations under 66323

- One of the most common questions the ADU team receives
- SF primary
 - 1 conversion ADU, 1 JADU **and** 1 detached ADU are allowed on any qualifying property
- MF primary
 - **Both** conversion ADUs (greater of one or 25%) **and** detached ADUs (2-8) are allowed on any qualifying property

Allowable 66323 ADU Combinations		
All formats listed below may be combined as explained in the preceding section		
	Single-Family Primary Dwelling	Multifamily Primary Dwelling
Gov. Code, § 66323, subd. (a)(1) ADU constructed from proposed or existing space	<ul style="list-style-type: none"> • Sometimes referred to as "Conversions," "Interior," "Created within." • May expand 150 square feet from the existing accessory structure for ingress and egress. • Must have exterior access. 	Does not apply
Gov. Code, §§ 66323, subd. (a)(1); 66333-66339 JADUs	<ul style="list-style-type: none"> • Created within existing or proposed dwelling. • 500 square-foot maximum. • May be created from within attached garage. 	Does not apply
Gov. Code, § 66323, subd. (a)(2) New construction detached	<ul style="list-style-type: none"> • May be in front setback. • 800 square-foot maximum. 	Does not apply
Gov. Code, § 66323, subd. (a)(3)(A) Constructed in existing space not used as livable	Does not apply	<ul style="list-style-type: none"> • Existing non-livable space (e.g., gyms, enclosed parking, etc.) within the multifamily structure. • Allows at least one ADU or up to 25% of existing primary units.
Gov. Code, § 66323, subd. (a)(4) Detached from primary dwelling	Does not apply	<ul style="list-style-type: none"> • Up to two units detached from proposed primary dwelling, or • Up to eight units detached from existing primary dwelling, not to exceed the number of existing units on the lot. • Four-foot side and rear setbacks.



HOMEOWNERS ASSOCIATIONS (HOAs)

Limits on CC&Rs:

Nullify CC&Rs that effectively prohibit or unreasonably restrict ADUs or JADUs

Examples of unreasonable restrictions:

- Delays beyond deadlines in State ADU Law
- Requirements that substantially increase costs
- Conditioning HOA approval on neighbor approval



FUNDING

Expanded coverage

- CalHFA ADU Grant Program
- Support for local agencies
 - CalHOME
 - Permanent Local Housing Allocation
 - Prohousing Incentive Program
 - Local Housing Trust Fund
- Federal loans
 - FHA
 - Freddie Mac
 - Fannie Mae
- HCD's ADU Team does not administer ADU financing programs.





PROHOUSING DESIGNATION

- About
 - Rewards local governments for going above and beyond on housing policy.
 - Eligibility for PIP funding
 - Extra points in apps for several other funding programs (AHSC, IIG, etc.).
- ADU Connection
 - Prohousing eligibility criteria include compliance with state housing laws.
- Pro-ADU policies can lead to additional points towards designation.



Prohousing Incentive Program (PIP)

An investment in Prohousing Designated jurisdictions.

More Questions?



How to submit a question to the ADU Team?

www.hcd.ca.gov/policy-and-research/accessory-dwelling-units

[Home](#) > [Policy & Research](#) > [Accessory Dwelling Units](#)

Accessory Dwelling Units

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are an innovative and effective option for adding much needed housing in California.

Contact the ADU Team:

[Submit a Question](#) ↗

