





Office of the State Fire Marshal

Code Development & Analysis Accessory Dwelling Units


Legal disclaimer

- ▶ These are our current opinions of the statute in a ever change legislative world.
 - ▶ When interpreting statute, consult your legal department.
 - ▶ The Office of the State Fire Marshal (OSFM) proposes regulations for fire and life safety.
 - The OSFM does not regulate the local AHJ for compliance.
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Order of Precedence

- ▶ Statute
 - ▶ Regulations
 - ▶ Standards
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Accessory Dwelling Units

- ▶ Started with SB 1069
 - ▶ Gut and amend bill
 - ▶ Signed into law on September 27, 2016
 - ▶ Became effective January 1, 2017.
 - ▶ ADUs were created to address affordable housing in California
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Senate Bill 1069

- ▶ Government Code 65852.2
- ▶ (4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:
 - ▶ (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
 - ▶ (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Senate Bill 1069

- ▶ Government Code 65852.2
 - ▶ (v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.
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Senate Bill 1069

▶ Accessory Dwelling Units

▶ Fire sprinkler exception:

- *The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code section 65852.2.*
- *The existing primary residence does not have automatic fire sprinklers.*
- *The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.*
- *The accessory detached dwelling unit does not exceed 1,200 square feet in size.*
- *The unit is on the same lot as the primary residence.*

Accessory Dwelling Units

- ▶ Senate Bill 1069
 - ▶ Effective January 1, 2017
 - ▶ SFM Informational Bulletin 17-001
 - ▶ https://osfm.fire.ca.gov/media/8449/ib_17-001_accessory_dwelling_units_ada.pdf
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California State Fire Marshal Information Bulletin 17-001

Issued: January 24, 2017

Automatic Residential Fire Sprinkler System Requirements for Accessory Dwelling Units

Senate Bill 1069, Wieckowski (Chapter 720, Statutes of 2016) Land use: zoning, amends section 65852 of the Government Code to provide reform and incentives to facilitate and expedite the construction of affordable housing. The law was created to allow the construction of additional dwelling units associated with existing housing. An accessory dwelling unit may be attached or unattached to the existing house. The changes in the statute affect the automatic residential fire sprinkler system requirements for accessory dwelling units by exempting the requirement in some situations, noted below.

The Government Code is part of California statute and the bill has an effective date of January 1, 2017. The statute takes precedence over local regulations or ordinances. The information on SB 1069 can be found at:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1069

Automatic Residential Fire Sprinkler System Requirements

The California Residential Code section R313.2 requires automatic residential fire sprinkler systems in one and two family dwellings:

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for *additions* or *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.

Information Bulletin 17-001 (Continued)

Senate Bill 1069 adds the following exception for automatic residential fire sprinkler systems if all the following conditions exist:

- The unit meets the definition of an Accessory Dwelling Unit in the Government Code (section 65852.2).
- The existing primary residence is not required to have an automatic residential sprinkler system.
- The accessory detached dwelling unit does not exceed 1,200 square feet in size.
- The unit is on the same lot as the primary residence.

The statute prohibits local authorities from requiring automatic residential sprinkler systems for accessory dwelling units unless they are required for the primary dwelling unit.

The following information is provided for clarification:

- Automatic residential sprinkler systems are required in all new homes including those built with an accessory dwelling unit.
- New accessory dwelling units must have an automatic residential sprinkler system when the existing house has an automatic residential sprinkler system.
- Existing houses without an automatic residential sprinkler system adding an accessory dwelling unit are not required to provide an automatic residential sprinkler system.


Addition considerations:

- Existing houses that increase the square footage while adding an attached accessory dwelling unit may exceed an automatic residential sprinkler system threshold ordinance based on a local ordinance. If the local authority has an ordinance that applies to all houses and requires fire sprinklers when the square footage exceeds the prescribed amount, the local authority may then require an automatic residential sprinkler system to the entire house including the accessory dwelling unit.
- New detached accessory dwelling units are required to comply with the standards for fire protection such as water supply and fire department access. Automatic residential sprinkler systems provide construction options for the owner by providing different ways to complying with the fire protection requirements.

Change in CBC & CRC

- ▶ Accessory Dwelling Units
- ▶ Fire sprinkler exception:
 - *The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code section 65852.2.*
 - *The existing primary residence does not have automatic fire sprinklers.*
 - *The accessory detached dwelling unit does not exceed 1,200 square feet in size.*
 - *The unit is on the same lot as the primary residence.*


Current ADU Legislative 2 year cycle

- ▶ AB 670 – Passed
 - ▶ AB 68 – Passed
 - ▶ SB 13 – Passed
 - ▶ AB 2603 – Active
 - ▶ AB 953 – Active
 - ▶ SB 773 – Active
 - ▶ AB 69 – Active
 - ▶ AB 881 – Passed
 - ▶ SB 1150 – Active
 - ▶ AB 1697 – Removed
 - ▶ AB 1481 – Dead
 - ▶ AB 725 – Active
 - ▶ AB 1482 – Passed
 - ▶ AB 3155 – Active
 - ▶ AB 101 – Active
 - ▶ SB 102 – Active
 - ▶ SB 1371 – Active
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AB 68

- ▶ **Approved October 09, 2019**
- ▶ (iv) The **junior accessory dwelling unit** complies with the requirements of Section 65852.22.
- ▶ (B) One detached, new construction, **accessory dwelling unit** that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The **accessory dwelling unit** may be combined with a **junior accessory dwelling unit** described in subparagraph (A). A local agency may impose the following conditions on the **accessory dwelling unit**:
 - ▶ (i) A total floor area limitation of not more than 800 square feet.
 - ▶ (ii) A height limitation of 16 feet.

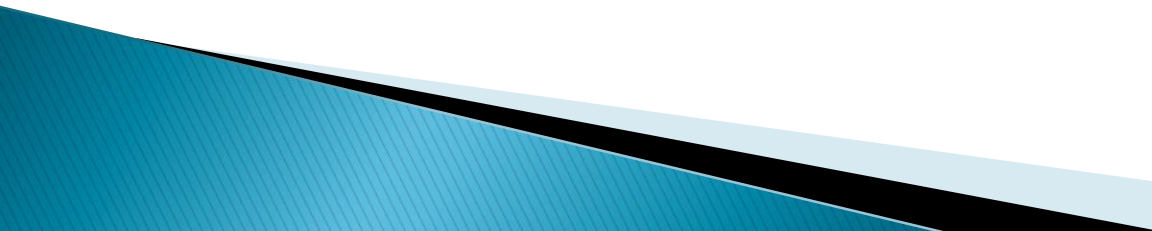
AB 68 – Cont.

- ▶ (C) (i) Multiple **accessory dwelling units** within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - ▶ (ii) A local agency shall allow at least one **accessory dwelling unit** within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
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SB 13

- ▶ **Approved October 09, 2019**
- ▶ (m) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in **enforcement**, shall delay **enforcement** of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

SB 13 – Cont.

- ▶ (1) The accessory dwelling unit was built before January 1, 2020.
 - ▶ (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
 - ▶ (n) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.
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Accessory Dwelling Units

- ▶ Government Code
- ▶ Starting with section 65852.150.
- ▶ http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=4.&article=2.



Thank you!! Questions??

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