**ADU New Laws Summary - DRAFT**

**January 23, 2020**

On January 1, 2020, six new laws went into effect that define the maximum standards local jurisdictions can apply to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)[[1]](#footnote-1). Special rules apply to four types of ADUs/JADUS, listed under subsection (e) of AB 68:

1. conversions of existing space
2. new construction of a detached ADU up to 800 sq ft (one JADU also permitted)
3. multifamily with two detached ADUs
4. multifamily with one detached ADU and attached ADUs up to 25 percent of existing units (within existing non-livable space like garages or storage areas)

**Overview of New Rules**

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| Amnesty | * Owners can request delayed enforcement for five years if no   safety issues, sunsets 2030 |
| Impact Fees | * None under 750 sq ft * Proportional to primary unit over 750 sq ft |
| JADUs | * Must be allowed * Owner occupancy required * JADU can be in addition to new detached ADU up to 800 sq ft on the same single-family lot, with some limitations |
| Location | * Allowed in all residential and mixed-use zones with limited exceptions, such as traffic flow, water, sewer or public safety |
| Lot Size & Coverage | * Lot size can no longer be considered for approval * Lot coverage can still be considered if ADU is over 800 sf ft |
| Multifamily | * Two detached ADUs allowed (most likely new construction) * Convert up to 25 percent of non-living space to ADUs (example: a 4-unit building would be allowed 1 ADU) |
| Owner Occupancy | * Not required for ADUs built between 2020-2025; may be rented separately * JADUs must be owner occupied |
| Parking | * No parking if ½ mile of transit, in historic district, or near car share; potentially one (far from transit, larger than studio) * No replacement parking for garage demolition/conversion * Tandem and in setbacks allowed |
| RHNA | * ADUs count for RHNA (generally, production assumptions should be based on recent trends, but can also be made if cities are taking actions to promote ADUs) |
| Setbacks & Height | * 4 ft side or rear setbacks for new construction * No setbacks required for conversions or rebuilds * Front setbacks allowed * 16 ft height |
| Short-Term Rentals | * May be prohibited for fewer than 30 days and required if ADU falls under subsection (e) |
| Size | * At least 850 sq ft for 1 bd and 1000 sq ft for 2 bd detached * 50 percent of main structure for attached (maybe 800 minimum) * As small as 150 sq ft |
| Timing & Approval | * 60 days from submittal of complete application * Ministerial approval process * Appeal permitted (review must be ministerial) * If in conjunction with single-family home, same timeline |
| Zoning | * Correction of nonconforming zoning not allowed as a condition of approval if ADU falls under subsection (e) * ADUs do not count for density |

Local ordinances that do not conform to new laws will be declared null and void. Jurisdictions should update their ordinance as soon as possible.

Once adopted, jurisdictions will have 60 days to provide their new ordinance to HCD for review. While jurisdictions are in the process of updating their ADU ordinance, exempt from CEQA. Local ordinances are allowed to be more generous in permitting ADUs than state requirements but cannot be stricter.

1. An Accessory Dwelling Unit is defined as a housing unit with kitchen facilities, sleeping space, and a separate entrance and address. A Junior

   Accessory Dwelling Unit is an Accessory Dwelling Unit under 500 sq ft, which must be a conversion of interior space in a house and can, but

   does not have to, share a bathroom with the existing house. [↑](#footnote-ref-1)