

# Accessory Dwelling Units (ADUs)

## Calif. County Planning Directors Assoc.

### March 12, 2020



California Department of Housing and  
Community Development



# Accessory Dwelling Units (ADU)

## Overview

- Six bills for ADU/JADU were chaptered in 2019 for 2020
- Updates effective January 1, 2020
- JADUs mandated
- ADUs allowed with multifamily
- Former ordinances are “null & void”





# Authorizing Legislation

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## ADU/JADU statute updates (3 bills):

- Assembly Bill 881 (Bloom) ADU
- Assembly Bill 68 (Ting) ADU and JADU
- Senate Bill 13 (Wieckowski) ADU

## And 3 additional bills:

- Assembly Bill 587 (Friedman) ADUs sales provisions
- Assembly Bill 670 (Friedman) CC&Rs cannot prohibit ADUs or JADUs
- Assembly Bill 671 (Friedman) Incentives required in Housing Element and HCD to develop a list of grants and financial incentives



# Accessory Dwelling Units (ADU)

- Impact fees are exempt for ADUs under 750 sq. ft. and then shall be proportional, based on the ratio of the ADU to the primary dwelling
- ADUs are allowed in areas zoned to allow residential uses
- No minimum lot sizes or lot coverage limitations
- Maximum size mandates (850/1000 sq. ft.)
- Public transit defined
- Ordinances are due to HCD in 60 days





# Summary of Changes



## Parking

- Maximum ADU parking requirements are one space per ADU, unless exempted by statute or the local agency
- Replacement parking for the primary structure shall not be required to be replaced onsite when covered parking spaces are demolished or converted to create an ADU
- Off-street parking is allowed to be tandem or in setback areas
- Tandem parking must be allowed



# Summary of Changes

## ADU's Created Within Existing Structures

- Allowed within zones with an existing or proposed single family dwelling
- No local zoning or development standards, including parking
- No fire sprinklers and no connection or capacity fees
- Applicable standards:
  - Contained within an existing or proposed residence, including an attached garage or other, or an existing accessory structure
  - Complies with local building codes that apply to detached dwellings
  - Has independent exterior access from the existing residence



# Summary of Changes

## Accessory Dwelling Unit Ordinances

- Any existing ADU ordinance that does not meet the requirements of the updated state statute may be null and void as of January 1, 2020
- Local governments must permit ADUs and JADUs based on “state standards” until they adopt a compliant ADU ordinance
- Although state ADU law establishes the maximum standards, a local agency may adopt less restrictive requirements, such as size, parking, setbacks, etc.
- Adopted ordinances are required to be submitted to HCD within 60 days of adoption
- Ordinances submitted to HCD will be available from HCD as requested



# Summary of Changes

## Required State Standards (Examples)

- Although local agencies may restrict short-term rentals, they may not require owner-occupancy for ADUs
- The lot is zoned for single-family or multifamily use and contains an existing or proposed dwelling
- The ADU is either attached to an existing dwelling, located within the living area of the existing dwelling or accessory structure, or detached from the primary unit
- The total area of floorspace of the attached unit does not exceed 50% of the existing or proposed dwelling living area, but shall be allowed at least 800 square feet
- The total area of floor space for a new detached accessory dwelling unit is not to exceed 1,200 square feet, unless allowed to be larger by a local agency's adopted ADU ordinance
- No limitations to size of the ADU if created within the space of an existing structure
- Action shall be taken on ADU and JADU applications within 60 days or shall be deemed approved





# Summary for JADU

## **Junior Accessory Dwelling Units (JADU)**

- Shall be contained within the walls of the existing or proposed single-family residence
- Limited to one per residential lot zoned for single-family use and may be combined on a lot with an ADU
- 500 square foot maximum size
- Owner to occupy the primary residence or JADU
- Recorded deed restriction is required to address the size of the unit and the prohibition of a sale independent of the primary dwelling
- Efficiency kitchen is required but a shared bathroom is allowed



# HCD Technical Assistance

- Questions and answers for applicants, local agencies and others
- The Planning Directors TA Memo for the new ADU/JADU law is available at the HCD ADU webpage
- Informal draft ordinance review, as requested by agencies
- ADU technical assistance memo with FAQs is to be available soon
- ADU ordinance clearinghouse, as requested, to HCD
- Website: Local agency brochures, best practices, etc. at ADU webpage: <http://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>



# HCD ADU/JADU Contacts

## HCD / HPD Representatives

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For Additional Information  
and ADU/JADU Updates:

**California Department of Housing and Community Development  
Housing Policy Development Division**

**Website:**

<http://www.hcd.ca.gov/housing-policy-development/accessorydwellingunits.html>

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