

On January 1, 2020, it will become easier to build Accessory Dwelling Units in California, thanks to a package of new bills. These bills invalidate local ADU ordinances across the state and replace them with state-mandated rules. Here are some highlights of California's new ADU law:

### Reduced Costs and Burdens for Developing ADUs

- Cities **must approve ADU applications within 60 days**, without a hearing or discretionary review.
- For ADUs permitted by 2025, cities **cannot require the owner to live at the property**.
- Cities **cannot charge any impact fees** for ADUs under 750 sqft; fees for larger ADUs are limited.
- **Homeowners associations must allow** the construction of ADUs.
- **ADUs can be developed at the same time as a primary unit**, under most of the same rules.
- A city must **delay code enforcement** against an existing unlawful ADU to allow it to be legalized.
- For areas where development is county-controlled, **all of these same rules apply to counties**.

### ADUs Subject to Automatic Approval — No Local Limits

Cities must permit certain categories of ADU **without applying any local development standards** (e.g., limits on lot size, unit size, parking, height, setbacks, landscaping, or aesthetics), if proposed on a lot developed with one single-family home. ADUs eligible for this **automatic approval** include:

- An **ADU converted from existing space in the home or another structure (e.g., a garage)**, so long as the ADU can be accessed from the exterior and has setbacks sufficient for fire safety.
- A **new detached ADU that is no larger than 800 sqft**, has a maximum height of 16 feet, and has rear and side setbacks of 4 feet.
- **Both of the above options (creating two ADUs)**, if the converted ADU is smaller than 500 sqft.

### ADUs Subject to Ministerial Approval — Minimal Local Limits

Even if not subject to automatic approval, a city generally **must approve any attached or detached ADU under 1,200 sqft** unless the city adopts a new ADU ordinance setting local development standards for ADUs. **If a city adopts such an ordinance, it must abide by the following restrictions:**

- No minimum lot size requirements.
- No maximum unit size limit under 850 sqft (or 1,000 sqft for a two-bedroom ADU).
- No required replacement parking when a parking garage is converted into an ADU.
- No required parking for an ADU created through the conversion of existing space or located within a half-mile walking distance of a bus stop or transit station.
- If the city imposes a floor area ratio limitation or similar rule, the limit must be designed to allow the development of at least one 800 sqft attached or detached ADU on every lot.

### Adding Units to Multifamily Properties

For the first time, the new laws allow units to be added to **multifamily buildings**. Cities must permit these types of units in multifamily buildings without applying any local development standards:

- **New units within the existing non-living space of a building** (e.g., storage rooms, basements, or garages). At least one unit and up to ¼ of the existing unit count may be created this way.
- **Two new homes on the same lot** as the multifamily building but detached from it, with 4-foot side and rear setbacks and a 16-foot maximum height.