

# CALIFORNIA STATE MANDATED LAW CHANGES FOR 2023

A “Junior Accessory Dwelling Unit” is a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

An “Accessory Dwelling Unit” is a room or set of rooms in a structure that has been designed or configured to be used as a separate dwelling unit and has been established by permit.

## Land Use Policy Amendments to ADU's

- Allow JADUs and ADUs on the same single-family property
- Create JADUs as an allowable use on a single-family property
  - No more than 500 SF
  - Attached to SFD
  - Contains at least an efficiency kitchen (counter space, cabinets, appliances)
  - May have their own sanitation facilities or may share.
  - Require owner-occupancy
- Allow ADUs and JADUs in planned developments which cannot be denied by HOA's.
- Allow ADUs on multi-family and mixed-use property
  - Up to two detached new construction ADUs
  - At least one and up to 25% of the total existing units created by converting areas in existing structures not used as livable space (garages, storage, passageways, boiler rooms, etc.).
- Prohibit the requirement of owner occupancy for ADUs  
(will apply to ADUs permitted between 1/1/2020 and 1/1/2025)

## Development Standard Amendments

- ADUs attached to a single-family home may no longer be subjected to a size limitation other than 50% of the primary dwelling.
- Local ordinances can maintain existing site standards, but these standards cannot limit ADUs to less than 800 SF in size, including the above provision for attached ADUs.  
County: 850 SF MAX < 1 Acre / 1,200 SF MAX > 1 Acre • City: Up to 1200 SF
- There are no lot size minimums for ADUs
- Setbacks for new detached ADUs shall be 4ft (County)3ft (City) for interior side & rear property lines
- ADUs cannot be limited in height to less than 16'. ADUs taller than one story may be up to 22' tall at the peak, measured from average grade and any portion of the structure that exceeds 16' in height must be setback a minimum of 5' from the side yard property line and 10' from the rear yard property line.\*
- ADUs within ½ mile to transit stop are exempt from parking requirements (except in certain coastal designated areas)
- Any parking spaces, covered or uncovered, removed in order to create an accessory dwelling unit shall not be required to be replaced if the property is outside the coastal zone.

## Parking

- Conversion ADUs or JADUs - No parking requirement except in certain coastal areas. (City and County)
- New Construction ADUs - No parking requirement except in certain coastal areas. (City). One new parking space is required, except in the following locations when outside certain coastal areas (County):
  - Historic districts
  - Within one block of designated car-share parking
  - Within ½ mile walking distance of any transit stop (except in designated coastal areas )
  - Coastal Parking Regulations - Inside certain coastal areas, one parking space is required for new construction ADUs, with no exceptions, and replacement parking is required when existing parking is demolished or converted for the construction of an ADU. (City and County)

## Permitting Amendments

*“Ministerial permits” are granted if a project meets all established standards set forth in the Zoning Code and General Plan.*

- Only ministerial permit processes may be used for issuing permits to ADUs & JADUs
- Ministerial permits must be approved for any of the following:
  - An ADU attached to an existing or proposed single-family home;
  - A conversion ADU created from existing or reconstructed space in a home or an accessory structure and accessory structures may be expanded by up to 150 square feet.
  - A Junior ADU
  - A new construction, detached ADU of up to 800 square feet and 16’ tall

## Reduction in Fees

- New Construction: 400-800 sq ft \$6000-\$11,500 (city)
- Conversion ADU 400 sq ft: \$5000 (city)
- New Construction attached ADUs are now eligible for the same exclusion from utility connection fees that were previously only available to Conversion ADUs.

County Fees: <https://www.sccoplanning.com/ADU/Estimateyourfees/FeeEstimator.aspx>

### FUNDING OPPORTUNITY:

Effective September 20, 2021, the California Housing Finance Agency’s (CalHFA) ADU Grant Program provides up to \$40,000 in assistance to reimburse qualifying homeowners for predevelopment costs necessary to build and occupy an ADU or JADU on a lot with a single-family dwelling unit. The ADU Grant Program is intended to create more housing units in California by providing a grant to reimburse qualifying homeowners for predevelopment costs. Predevelopment costs include, but are not limited to, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports. For additional information or questions, please see CalHFA’s ADU Grant Program at <https://www.calhfa.ca.gov/adu> or contact the CalHFA Single Family Lending Division at (916) 326-8033 or [SFLending@calhfa.ca.gov](mailto:SFLending@calhfa.ca.gov).

## Delay of Building Code Enforcement

- Until 2030, ADU owners can request the delay of enforcement of a building code requirement of existing non-conforming ADU’s for up to 5 years under certain circumstances.

## AB 345 - Allows ADUs to be sold separately in the following circumstances

- The ADU or primary dwelling was built or developed by a qualified nonprofit.
- There is an enforceable restriction on the use of the property between the low-income buyer and

nonprofit that satisfies the requirements of Section 402.1 of the Revenue and Taxation Code.

- The entire property is subject to the affordability restrictions to assure that the ADU and primary dwelling are preserved for owner-occupied, low-income housing for 45 years and are sold or resold only to a qualified buyer.
- The property is held in a recorded tenancy in common agreement that meets certain requirements.

### **AB 3182 - Streamlines the ADU approval process and minimizes HOA restrictions**

- States that an application for the creation of an ADU or JADU shall be deemed approved (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days.
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling if certain conditions are met.
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents.
- Provides that not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units.

### **Solar Requirements**

- Solar System Requirements -
- Newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems.
- ADUs that are constructed within existing space or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.

### **SB 9 - Land Divisions and Duplexes**

#### **Two Changes to State Law**

- It allows homeowners in most areas around the state (those zoned for single-family) to divide their property into two lots, thereby increasing opportunities for homeownership in their neighborhood; and
- It allows two homes to be built on each of those lots, with the effect of allowing four homes in areas that previously only allowed one home.

#### **Resources:**

##### ADUs

HCD - Accessory Dwelling Unit Handbook

<https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>

City of Santa Cruz - ADU Website

<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/accessory-dwelling-units-adus>

County of Santa Cruz - ADU Website

<https://www.sccoplanning.com/adu.aspx>

##### Tiny Homes

<https://sccoplanning.com/PlanningHome/SustainabilityPlanning/TinyHomes.aspx>

##### SB9

<https://www.cityofsantacruz.com/home/showpublisheddocument/87570/63809737725700000>

If you have any questions, please contact us: 831 621 3926

