



ADU SUMMARY 03/01/2026

Accessory Dwelling Unit (ADU) An attached or a detached residential dwelling unit that provides complete, independent living facilities for one or more persons, and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is, or will be, situated.

An ADU also includes the following: (A) An efficiency unit. (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code. Source: Government Code section 66313, subdivision (a)

Attached ADU Height Limitations. Establishes the maximum height limitation that may be imposed by a local agency on an attached ADU to 25 feet, or the existing primary dwelling height limit if lower than 25 feet. Does not require a local agency to allow an ADU to exceed two stories (Gov. Code, § 66321, subd. (b)(4)(D)).

Efficiency Dwelling Unit A dwelling unit which contains a minimum of **150 square feet in living space**, a separate closet, kitchen sink, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower. Source: Government Code section 66313, subdivision (a)(1); California Building Code section 1208.4

Junior Accessory Dwelling Unit (JADU) A unit that is no more than **500 square** feet in size and contained entirely within a single family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. Source: Government Code section 66313, subdivision (d)

- **Detached Garages.** Allows ADUs detached from the proposed or existing primary dwelling, including in detached garages (Gov. Code, § 66314, subd. (d)(3)).
- **Occupancy Change.** Provides that the construction of an ADU does not constitute a Group R occupancy change under the local building code, unless the local agency makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety (Gov. Code, § 66314, subd. (d)(8)).
- **Fire Sprinklers.** Precludes ADU construction from triggering a requirement that fire sprinklers be installed in the existing primary dwelling (Gov. Code, § 66314, subd. (d)(12))
- **Permitting Process.** Requires a permitting agency to either approve or deny (replacing the former language “act on”) an application to create or serve an ADU or JADU within **60 days** from when a completed application is received, if there is an existing single-family or multifamily dwelling on the lot (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a); 66335, subd. (a)(2))
- **Concurrent Permitting.** Clarifies that permitting agencies may concurrently approve or deny a proposed ADU and new single-family or multifamily dwelling when submitted simultaneously for permitting. The application for the ADU shall be considered without discretionary review or hearing.

Clarifies that permitting agencies may concurrently approve or deny a proposed JADU and new single-family dwelling when submitted simultaneously for permitting. (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a); 66335, subd. (a)(3).)

- **Permitting Agency Denials.** Obligates a permitting agency, when it denies an ADU or JADU application, to “return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant” within 60 days from when a completed application is received. (Gov. Code, §§ 66317, subd. (b); 66320, subd. (b); 66335, subd. (b).)

- **Demolition Permits.** Adds a requirement for a local agency to review and issue a demolition permit for “a detached garage that is to be replaced with an ADU” at the same time it reviews, and issues permits for, the ADU construction. (Gov. Code, § 66314, subd. (e).) Also prohibits permitting agencies requiring applicants to “provide written notice or post a placard for the demolition of a detached garage ... unless the property is located within an architecturally and historically significant district.” (Gov. Code, § 66314, subd. (f).)

- **Zoning & Setbacks.** Prohibits a local agency from requiring “a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.” (Gov. Code, § 66321, subd. (b)(3).)

- **Multifamily Dwellings.** Prohibits a permitting agency from requiring “any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit” if the existing multifamily dwelling has “a rear or side setback of less than four feet...” (Gov. Code, § 66323, subd. (a)(4)(B)).
- **Permitting Agency Definition.** Adds definition of a permitting agency as “any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.” (Gov. Code, § 66313, subd. (k).)

- **Enclosed Uses.** Considers enclosed uses within the residence, such as attached garages, to be “a part of the proposed or existing single-family residence” for the purposes of JADUs (Gov. Code, § 66333, subd. (d)). 16

- **Unpermitted ADUs and JADUs.** **Changes the date from January 1, 2018, to January 1, 2020, such that a local agency is precluded from denying a permit for an unpermitted ADU that was constructed before January 1, 2020,** because the ADU violates building standards 17 or because the ADU does not comply with State ADU Law or a local ordinance. (Gov. Code, § 66332, subd. (a).) A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency’s internet website, which shall include both of the following: (1) **a checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard,** and (2) information that, before applying for a permit, the homeowner may obtain a confidential third-party code

inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before applying for a permit. (Gov. Code, § 66332, subd. (d)(1), (d)(2).)

- **Objective Standards.** Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a).

- **Livable Space.** Defines **“livable space”** as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A). • **Uncovered Parking.** Specifies that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced.

- **JADU: 500 sqf max. Separate Entrance: 1 allowed per SFD**

Requires a JADU without a separate bathroom to “include a separate entrance from the main entrance to the proposed JADU, with an interior entry to the main living area.” (Gov. Code, § 66333, subd. (e)(2).) 2023 legislation includes the following changes to State ADU Law (effective January 1, 2024): AB 976 (Chapter 751, Statutes of 2023) and AB 1033 (Chapter 752, Statutes of 2023) made changes to State ADU Law. AB 1332 (Chapter 759, Statutes of 2023) added Government Code section 65852.27 to expedite the approval of ADUs. AB 434 (Chapter 740, Statutes of 2023) modified Government Code section 65585 to require enforcement of State ADU Law, ADU amnesty laws, and lot split / duplex laws, among others.

Owner-occupancy requirements for JADUs.

Yes. The owner must reside in either the remaining portion of the primary residence or in the newly created JADU

Efficiency kitchen

An efficiency kitchen is a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the JADU

- **Detached ADU: Single Family 800 sqf. 1 bedroom, 1200 sqf. 2 bedrooms: 1 allowed per SFD**

- **Pre-Approved ADU Plans.** **Requires the local agency to develop a program for the preapproval of ADU plans by January 1, 2025.** The local agency shall accept ADU plan submissions for preapproval from any party and shall approve or deny applications pursuant to standards established in Government Code sections 66314-66332. The local agency shall post preapproved ADU plans and the contact information of the applicant on the local agency's website. The local agency may also post plans pre-approved by other local or state agencies. (Gov. Code, § 65852.27.)

- **Owner Occupancy.** Removes the existing 2025 sunset of the prohibition on owner occupancy requirements and instead mandates no owner-occupancy requirement for ADUs

- **Updated Government Code Sections.** Government Code sections related to ADU and JADU law were updated from 65852.2, 65852.22, 65852.23, and 65852.26 to Government Code sections 66310-66342.

- **Detached ADUs.** Authorizes up to eight detached ADUs on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot.

Height Requirements

Detached ADU-	16' with a propose or existing SFD or Multifamily dwelling unit
	18' on a lot with existing or proposed SFD or Multifamily dwelling units including 2' to accommodate roof pitch
Attached ADU-	25' or the height limitation that applies to primary dwelling unit in the local z

There is no limit on the number of stories contained in State ADU Law. A local agency must allow least two stories, and an attached ADU may be built to the height of the zoning for the primary dwelling or up to 25 feet, whichever is lower. (Gov. Code, § 66321, subd. (b)(4)(D).)

Single-Family Detached ADUs

One detached new construction ADU that does not exceed four-foot side and rear yard setbacks is permitted on lots with an existing or proposed single-family dwelling (Gov. Code, § 66323, subd. (a)(2)). The maximum unit size is **800 square** feet with a height limitation of 16, 18, or 20 feet depending on conditions specified in Government Code section 66321, subdivision (b)(4). (Gov. Code, § 66323, subd. (a)(2)(B).)

• Attached ADU: Single Family 1200 sqf: and up to 50% of the floor area of the existing SFD:1 allowed per SFD

Minimum and maximum unit size requirements for both attached and detached ADUs; however, maximum unit size requirements must allow an **ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom.** (. An efficiency unit may be as small as 150 square feet in floor area (HSC, § 17958.1).

1. Single-Family Converted ADUs and JADUs One ADU per lot is permitted within the converted space of a proposed or existing single-family dwelling or accessory structure. This type of ADU must have exterior access and setbacks for fire and safety but is not subject to a four-foot side and rear yard setback. (Gov. Code, § 66323, subd. (a)(1).)

- **Owner Occupancy.** Removes the existing 2025 sunset of the prohibition on owner occupancy requirements and instead mandates no owner-occupancy requirement for ADUs

ADUs converted from accessory structures are eligible for a 150 square-foot expansion to accommodate ingress and egress. For example, if a second story from a singlefamily dwelling is converted into an ADU, a stairwell of not more than 150 square feet could be added, among other types of ingress and egress configurations that comply with the local building code. (Gov. Code, § 66323, subd. (a)(1)(A).)

In addition, one JADU per lot is permitted within the proposed or existing space of a single-family dwelling or accessory structure and must have exterior access, side and rear setbacks for fire and

safety. (Gov. Code, § 66323, subd. (a)(1).) JADUs must also comply with the provisions of JADU Law found in Government Code sections 66333- 66339. For the purposes of constructing a JADU, attached garages are part of a singlefamily dwelling. (Gov. Code, § 66333, subd. (d).) For more information, please see the Handbook section on JADUs.

Multifamily Converted ADUs

ADUs may be created within the portions of existing multifamily structures that are not used as livable space (Gov. Code, § 66323, subd. (a)(3)(A)). Local agencies shall allow at least one ADU within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units

Multifamily Detached ADUs Up to **two detached ADUs are allowed on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs are allowed on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot.** These ADUs are subject to fourfoot rear and side yard setbacks and height limits of 16, 18, or 20 feet depending on conditions specified in Government Code section 66321, subdivision (b)(4). (Gov. Code, § 66323, subd. (a)(4)(A).) A local agency may not require that a setback be modified for an existing multifamily dwelling with setbacks less than four feet as a condition of ADU application approval (Gov. Code, § 66323, subd. (a)(4)(B)).

The local agency must allow the four categories of ADUs listed above to be combined as allowed by the site and lot conditions. For example, pursuant to Government Code 66323, subdivision (a), local governments must allow units created pursuant to subparagraphs (1) and (2) together or (3) and (4) together. This means that on single-family lots, local agencies must allow at least one ADU constructed from existing space, one JADU, and one newly constructed detached ADU. For multifamily lots, local agencies must permit at least one ADU constructed from existing non-livable space (or up to 25 percent of the number of multifamily units), and two detached ADUs

Impact fees charged for an ADU less than 750 sqf.

An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if it is less than 750 square feet. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit. (Gov. Code, § 66324 subd. (c)(1).) In this specific instance, impact fees also include Quimby fees specified in Government Code section 66477 (Gov. Code, § 66324 subd. (c)(2)).

For ADUs that include a 150 square-foot exterior expansion, the 150 square feet count towards the 750 square-foot limit. For example, a 700 square-foot interior conversion ADU with a 150 square-foot exterior expansion for ingress and egress would count as an 850 square foot ADU for the purposes of calculating fees, thus triggering the proportionate fee requirement of Government Code section 66324, subdivision (c).

School districts charge impact fees.

School districts are authorized to, but do not have to, levy impact fees for **ADUs larger than 500 square feet**, ADUs less than 500 square feet are not subject to school impact fees.

Water and sewer connection fees

ADUs constructed from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed concurrently with a new single-family dwelling.

Fire sprinklers be required for ADU's

Only when sprinklers are required for the existing primary residence.

Solar systems required for newly constructed ADUs

Newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed

Tiny Homes

Are “tiny homes” considered ADUs?

Possibly. While State ADU Law does not specifically reference “tiny homes,” “tiny home” is an industry term that can mean different structures or vehicles. If the unit meets the definition of an ADU in Government Code section 66313, subdivision (a), it is subject to ADU Law. For more information on “tiny homes,” see Information Bulletin 2016-01 at <https://www.hcd.ca.gov/policy-research/docs/hcd-bulletin-tiny-home-ib-2016-01.pdf>. You may also contact HCD's Division of Codes and Standards at ContactMH-FBH@hcd.ca.gov.

Allowable 66323 ADU Combinations

All formats listed below may be combined as explained in the preceding section

	Single-Family Primary Dwelling	Multifamily Primary Dwelling
Gov. Code, § 66323, subd. (a)(1) ADU constructed from proposed or existing space	<ul style="list-style-type: none"> • Sometimes referred to as “Conversions,” “Interior,” “Created within.” • May expand 150 square feet from the existing accessory structure for ingress and egress. • Must have exterior access. 	Does not apply
Gov. Code, §§ 66323, subd. (a)(1); 66333-66339 JADUs	<ul style="list-style-type: none"> • Created within existing or proposed dwelling. • 500 square-foot maximum. • May be created from within attached garage. 	Does not apply
Gov. Code, § 66323, subd. (a)(2) New construction detached	<ul style="list-style-type: none"> • May be in front setback. • 800 square-foot maximum. 	Does not apply
Gov. Code, § 66323, subd. (a)(3)(A) Constructed in existing space not used as livable	Does not apply	<ul style="list-style-type: none"> • Existing non-livable space (e.g., gyms, enclosed parking, etc.) within the multifamily structure. <p>Allows at least one ADU or up to 25% of existing primary units.</p>
Gov. Code, § 66323, subd. (a)(4) Detached from primary dwelling	Does not apply	<ul style="list-style-type: none"> • Up to two units detached from proposed primary dwelling, or • Up to eight units detached from existing primary dwelling, not to exceed the number of existing units on the lot. • Four-foot side and rear setbacks.