

# **Attachment C – Legislative Updates**

**ADU Legislative Updates 2023 & 2024**

The ADU Ordinance Amendment Including Separate Sale of ADUs (Amendment) incorporates legislation adopted in 2023 and 2024 and will reformat and reorganize the ADU section of the Zoning Ordinance to improve clarity and make the ordinance more user-friendly. The following legislative updates have been incorporated into the Amendment and are actively being implemented as part of the County’s ADU program. While these changes are unrelated to the sale of ADUs, the amendment codifies them into the County’s Zoning Ordinance, as required by State law.

SB 2533 (2024) – Amnesty for Unpermitted ADUs: Extends ADU permitting amnesty to include unpermitted JADUs. The bill allows for unpermitted ADUs and JADUs to obtain necessary building permits to achieve compliance while maintaining health and safety standards. In addition, it expands amnesty to ADUs and JADUs built before 2020. Applicants with unpermitted ADUs built before January 1, 2020, may be eligible to receive a permit, provided they meet certain health, safety, and building standards. To help property owners navigate the applications process, the County has developed informational materials and checklists to help applicants obtain building permits for previously unpermitted ADU construction or conversions. This legislative update has been incorporated into the Amendment.

SB 1211 (2024) – Increased ADUs for Multifamily Lots: Increases the allowable ADUs on a lot with an existing multifamily dwelling from no more than two detached ADUs to no more than eight detached ADUs. Previously, State law allowed no more than two detached ADUs per property, in addition to interior ADUs created within the existing structure (e.g., basements or garages). SB 1211 increases this limit to up to eight detached ADUs on lots with existing multifamily dwellings, provided the number of ADUs does not exceed the number of existing units on the lot. For proposed new construction multifamily projects, the cap remains at two detached ADUs. The bill also prohibits local governments from requiring replacement of surface parking spaces when existing parking is repurposed for ADU construction. This legislation applies only in multifamily lots. The draft ordinance has been amended to allow up to eight ADUs on multifamily parcels.

The following legislative updates do not require any additional changes to the County’s ADU Ordinance, which follows the described guidance.

AB 976 (2023) – Owner Occupancy Not Required: Effective January 1, 2024, permanently eliminates the authority of local jurisdictions to impose owner-occupancy requirements on properties with ADUs. Previously, jurisdictions could require that either the ADU or the primary residence be owner-occupied if the ADU was approved after January 1, 2020. AB 976 permanently exempts ADUs from such requirements, regardless of when they are constructed or converted. However, owner-occupancy is still required for a JADU. The legislation does not prompt any changes to the County's ADU program as the County does not require owner occupancy for ADUs.

AB 1332 (2023) – Preapproved ADU Plans: Requires local agencies to develop a program to preapprove accessory dwelling unit plans by January 1, 2025. The local agency must accept ADU plan submissions for preapproval without restricting who may submit plans for preapproval. The bill allows design firms, developers, or other applicants to submit ADU plans for pre-approval, provided the plans meet applicable building standards and codes. Local agencies may charge fees for this process, but fees must be consistent with standard permitting costs. Both detached and attached ADU plans must be accepted, and agencies must review pre-approval requests using the same standards as site-specific applications. Once approved, plans must be made publicly accessible on the agency’s website along with the designer’s contact information. The County has already offered pre-approved plans for ADUs which are available to the public at no charge since 2019. The legislation does not prompt any changes to the County's ADU program.

SB 1077 (2024) – Coastal Commission Guidance: Requires the Coastal Commission to coordinate with the Department of Housing and Community Development (HCD) to develop and provide guidance that clarifies and simplifies the permitting process for ADUs and JADUs within the coastal zone. Before it’s finalized, the State must hold at least one public workshop and release a draft for public comment. At this time, the bill does not require any changes to local regulations, as implementation will depend on the State’s forthcoming public engagement.

AB 3057 (2024) – CEQA Exemption: This bill expands a California Environmental Quality Act (CEQA) exemption for City or County adoption of an ordinance facilitating ADUs to also include adoption of an ordinance facilitating Junior Accessory Dwelling Units (JADUs). Current law exempts ADU ordinances that are bringing local ADU rules into compliance with State law from CEQA review, allowing cities to implement State ADU law faster and easier. However, a gap in current law denies JADU ordinances the same exemption. AB 3057 extends existing law to grant JADU ordinances the same exemption to environmental review that is already granted to standard ADUs. The legislation does not prompt any changes to the County's ADU program.