



# ACCESSORY DWELLING UNIT (ADU)

Government Code §§ 66310 – 66342

## INTRODUCTION

Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) are an important part of California's strategy to increase housing options in existing neighborhoods. In response to the state's housing shortage, the Legislature has enacted a series of laws to reduce barriers and streamline the approval process for these types of homes. ADUs and JADUs must generally be approved ministerially in residential and mixed-use zones, with limited ability for jurisdictions to impose local development standards.

Jurisdictions may adopt an ordinance governing ADUs, but it must adhere to State ADU Law. Ordinances must be submitted to HCD within 60 days of being adopted. HCD may review the ordinance and provide written findings as to whether the ordinance complies with the law. For more information, please see HCD's [Accessory Dwelling Unit page](#), and learn more from HCD's [ADU Handbook](#).

The Housing Law Fact Sheets provide an overview of existing laws which the California Department of Housing and Community Development (HCD) has statutory authority to enforce. The fact sheet does not constitute legal advice but is intended to be a resource for local agencies and decision-makers within California, including members of City Councils, Boards of Supervisors, and Planning Commissions.

## KEY PROVISIONS

### ADUs

#### Limitations on Local Development and Design Standards

The ability to impose additional development standards or conditions is limited. For ADUs described in Government Code section 66323, no development standards may be applied other than those described in section 66323 itself. When adopting a local ADU ordinance, a jurisdiction may not do any of the following:

- ▶ Impose minimum lot size requirements.
- ▶ Impose height limits that are not described in State ADU Law. Height limits vary based on several factors.
- ▶ Require rear and side setbacks greater than four feet for new construction ADUs.
- ▶ Limit the number of bedrooms.
- ▶ Require more than one parking space per unit, or require any parking for certain ADUs, such as those within a half mile of public transit, those within historic districts, and ADUs converted from existing space.
- ▶ Establish a maximum size of less than 850 square feet, or 1000 square feet if the ADU has more than one bedroom.
- ▶ Require replacement parking if the ADU is replacing a garage, carport, or other off-street parking.

- ▶ Impose impact fees on ADUs of less than 750 square feet or on JADUs. For larger ADUs, impact fees may be charged but proportionately by comparing the floor area of the ADU and the primary dwelling.
- ▶ Limit combinations of ADUs described in Government Code section 66323.

Jurisdictions may subject ADUs to limited development and design standards, but those standards must be objective (e.g., “a detached ADU must be at least four feet from a side or rear property line” rather than “ADUs must be consistent with existing neighborhood character”). To ensure that ADUs and JADUs add to the housing stock, jurisdictions may limit their use as short-term rentals. For certain ADUs and for JADUs, the law requires that any rental be for more than 30 days.

## JADUs

A JADU is a unit created entirely within the walls of an existing or proposed single-family residence. This includes an attached garage. JADUs are subject to many of the same rules as ADUs, including ministerial approval in residential and mixed-use zones, but there are some differences. For example:

- ▶ JADUs may not exceed 500 square feet, and do not increase assessable space.
- ▶ Only one JADU is allowed per single-family lot.
- ▶ A JADU may share a bathroom with the single-family residence.
- ▶ If a JADU is replacing the garage, the jurisdiction may not require replacement parking.
- ▶ In a residence with a JADU that shares a bathroom with the main house, the owner must occupy either the JADU or the primary residence, with some exceptions.

## Ministerial Approval

Generally, jurisdictions must approve ADU applications in residential and mixed-use zones ministerially as provided by state statutes. Ministerial review means a project that complies with objective development standards will be approved at a staff level and the project is exempt from the California Environmental Quality Act. Provisions of a certified Local Coastal Program that conflict with State ADU Law will supersede the requirements of State ADU Law within the coastal zone, except that an application must be approved or denied within 60 days, consistent with Government Code section 66317.

## RECENT HCD TECHNICAL ASSISTANCE AND ORDINANCE REVIEW LETTERS

[City of Irvine](#),  
March 27, 2025

The City cannot impose a deed restriction prohibiting separate sale of an ADU, and townhomes are eligible for a JADU. Regarding the ADU ordinance, the City must either amend the ordinance to comply with state law or include findings in the ordinance resolution to explain how the ordinance otherwise complies with state law and HCD findings.

[City of Sutter Creek](#),  
March 11, 2025

Among other findings related to discrepancies in development standards and unpermitted units, the City must comply with State ADU Law on the number of allowable units (e.g., up to eight detached ADUs, not to exceed the number of existing units, in an existing multifamily dwelling or up to two detached ADUs for a proposed multifamily dwelling.

[City of Camarillo](#)  
March 6, 2025

Among various findings that portions of the City’s ADU ordinance are noncompliant with State ADU Law, the City must amend the ordinance to provide for all combinations of ADUs under Government Code section 66323.

[City of Berkeley](#),  
February 25, 2025

The City must allow both new construction and conversion ADUs on lots with multifamily dwellings, provided the ADUs meet applicable objective standards. It clarifies that Government Code section 66314(d)(3) requires jurisdictions to permit all qualifying ADU types—not just conversions—and that a local ordinance cannot impose more restrictive limitations than state law.

## LEGISLATIVE HIGHLIGHTS

### **ADUs and JADUs in Disaster Recovery and the Coastal Zone**

[AB 462](#), Lowenthal (2025); amended Gov. Code, §§ 66328 & 66329

This bill allows ADUs to be rebuilt before the primary dwelling when certain disaster-related conditions are met. Explicitly applies review deadlines and limits appeals for ADUs and JADUs in the coastal zone.

### **Technical and Procedural Clarifications for ADUs and JADUs**

[SB 543](#), McNerney (2025); amended, added, and renumbered several sections of State ADU Law

This bill clarifies that ADU and JADU floor area limits apply to interior livable space, requires application completeness determinations within 15 business days, clarifies when ADUs and JADUs are exempt from school fees and other impact fees, clarifies the allowable combinations of ADUs and JADUs, and makes procedures and standards that apply to JADUs more like those that apply to ADUs.

### **ADU Expansion for Multifamily Housing**

[SB 1211](#), Skinner (2024); amended Gov.

This bill increases the number of detached ADUs allowed on lots with existing multifamily dwellings from two to up to eight, if the number of ADUs does not exceed the number of existing units on the lot. It also restricts local agencies from

Code, §§ 66313,  
66314 & 66323.

requiring replacement parking when an uncovered parking space is converted to an ADU.

**Legalizing  
Unpermitted ADUs  
and JADUs**

[AB 2533](#), Carrillo  
(2024); amended Gov.  
Code, § 66332

This bill helps legalize unpermitted ADUs and JADUs built before January 1, 2020, while ensuring that structures will not be substandard. It limits fees, allows a third-party code inspection, and requires jurisdictions to inform the public about its provisions.