

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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May 27, 2026

Laura Gutierrez, City Manager
City of Calipatria
125 Park Street
Calipatria, CA 92233

Dear Laura Gutierrez:

**RE: Review of City of Calipatria's Accessory Dwelling Unit (ADU) Ordinance
under State ADU Law (Gov. Code, §§ 66310–66342)**

Thank you for submitting the City of Calipatria (City) ADU Ordinance No. 0125 (Ordinance), adopted January 28, 2025, to the California Department of Housing and Community Development (HCD). The Ordinance was received on February 3, 2025. HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than June 26, 2026, with a plan to either amend the current ordinance or adopt a resolution with findings.¹ Responses should be submitted formally on agency letterhead.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. Please note, there is recent legislation that amended State ADU Law. Language relevant to these changes should be incorporated into the Ordinance as it is updated. The bills referenced below are relevant to State ADU Law:
 - Assembly Bill (AB) 130—Effective June 30, 2025
 - AB 462—Effective October 10, 2025
 - AB 1154—Effective January 1, 2026
 - Senate Bill (SB) 9—Effective January 1, 2026
 - SB 543—Effective January 1, 2026
2. *Statutory Numbering* – The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22 and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13, sections 66310–66342. The City must amend the Ordinance to refer to the correct Government Code sections.

¹ Gov. Code, § 66326, subd. (b)(2)(B).

3. Section 2.26.100 C.5.a. – *Junior Accessory Dwelling Unit (JADU)* – The Ordinance states, ““Junior accessory dwelling unit” or “JADU” means a residential unit that is no more than 500 square feet in size.” However, Senate Bill 543 (Chapter 520, Statutes of 2025) made changes to Government Code section 66313, subdivision (d), and has revised the definition of a “junior accessory dwelling unit” to require the size of a JADU to be no more than 500 square feet *of interior livable space*. Therefore, the City must amend the Ordinance to include 500 square feet **of interior livable space** for JADUs.
4. Section 2.26.100 D.1. and D.2. – *Unit Allowance* – The Ordinance limits ADUs developed under Government Code sections 66323 and 66314 to one allowable configuration per lot. The Ordinance fails to describe the maximum number of units authorized by State ADU Law. On a single-family lot, under Government Code section 66323, subdivision (a)(1) and (2), a property owner may create one JADU, one internal conversion ADU, and one detached, new-construction ADU, as specified. These ADUs may be combined with one ADU, created pursuant to Government Code section 66314, which may be detached, attached, or a conversion. On a multifamily lot, under Government Code section 66323, subdivision (a)(3) and (4), a property owner may create one ADU constructed from existing non-livable space (or up to 25 percent of the number of multifamily units), and either two detached ADUs if the multifamily dwelling is proposed, or if the multifamily dwelling is existing, up to eight detached ADUs, not to exceed the number of existing units on the lot. These ADUs may be combined with one ADU, created pursuant to Government Code section 66314, which may be detached, attached, or a conversion. The City must amend the Ordinance to reflect and precisely describe the number and types of ADUs that may be created in accordance with State ADU Law.
5. Section 2.26.100 D.4. – *Statutory Numbering* – The Ordinance states, “The JADU complies with the requirements of Government Code Section 66333 through 66339.” However, as of January 1, 2026, the contents of JADU law are contained in Government Code sections 66333 through 66339.5.” The City must amend the Ordinance to include Government Code section 66339.5.
6. Section 2.26.100 D.2.a. – *Determination of Completed Application* – The Ordinance states, “The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application.” While the local agency is required to approve or deny an application for an ADU or a JADU within 60 days of receipt of the permit if there is an existing primary dwelling, Senate Bill 543 (Chapter 520, Statutes of 2025) has expanded this requirement by amending Government Code section 66317, subdivision (a)(2)(A), and Government Code section 66335, subdivision (a)(2)(A), to require a permitting agency to determine whether an application for an ADU or JADU, respectively, is complete and provide written notice of the determination no later than 15 business days after the permitting agency received the application. Therefore, the City must amend the Ordinance to provide written notice of the determination of completeness to the applicant not later than 15 business days after the permitting agency received the application for a JADU or ADU.

7. Section 2.26.100 D.3.b.2. – *Approve or Deny* – The Ordinance states, “When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay *acting* on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.” However, State ADU Law provides: “[t]he permitting agency shall either **approve or deny** the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application²...” The term “acting on a permit application” does not reflect current State ADU Law. The City is required to issue approval, or a denial with a full set of comments on how to remedy the application, within 60 days of receiving a completed application. Therefore, the City must amend the Ordinance to reflect approving or denying within 60 days, and upon denial, the issuance of written comments to the applicant with a list of items that are defective/deficient, as well as a description of how the application can be remedied.
8. Section 2.26.100 E.5. – *Separate Conveyance* – The Ordinance states, “An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).” However, Government Code section 65852.26 has been moved to Government Code section 66341, subdivision (a). The City must amend this section of the Ordinance and reference the updated, correct code section for separate sale of ADUs.
9. Section 2.26.100 E.7.a. – *Owner-Occupancy ADUs* – The Ordinance states, “ADUs created under this section on or after January 1, 2020, are not subject to an owner-occupancy requirement.” However, Government Code section 66315 states, “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement...” Therefore, regardless of the date of construction, ADUs are not subject to owner-occupancy requirements. The City must amend the Ordinance to remove the erroneous qualifying date.
10. Section 2.26.100 E.7.b. – *Owner-Occupancy JADUs* – The Ordinance states, “As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence.” However, the owner-occupancy requirement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization. In

² Gov. Code, § 66317, subd. (a).

addition, AB 1154 (Chapter 507, Statutes of 2025), effective January 1, 2026, limits the scope of the owner-occupancy requirement as follows: "If the junior accessory dwelling unit has shared sanitation facilities with the existing structure, [the ordinance shall] require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy *shall not be required* if the junior accessory dwelling unit has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization." Therefore, owner-occupancy requirements for JADUs only apply when the JADU shares sanitation facilities with the primary dwelling. The City must amend the Ordinance to reflect complete and current State Law.

11. Section 2.26.100 E.8. – *Deed Restriction* – The Ordinance states, "Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's Office and a copy filed with the Planning Department." Deed restrictions are required for JADUs consistent with the requirements of Government Code section 66333, subdivision (c), to include (1) a prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and (2) a restriction on the size and attributes of the JADU according to State Law. However, State ADU law does not authorize a deed restriction to be imposed on an ADU. Government Code section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer." A deed restriction would be an unlawful "additional standard" and thus cannot be imposed. The City must amend the Ordinance to remove the requirement of a deed restriction on ADUs and include the exact contents of deed restrictions on JADUs.
12. Section 2.26.100 F.6.c. – *Replacement Parking* – The Ordinance states, "Replacement parking is still required for an attached garage structure that is converted into a JADU." However, Government Code section 66334, subdivision (a) states "A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit." This includes a prohibition on replacement parking if the JADU is formed by a garage conversion. The City must amend the Ordinance to remove the requirement for replacement parking for JADUs.
13. Section 2.26.100 F.8.– *Visibility* – The Ordinance states, "An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way." However, Government Code section 66314, subdivision (b)(1) allows the local agency to "[i]mpose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources." The requirement for the ADU to be located to not be visible from

any public right-of-way is ambiguous and subjective in nature and, therefore, in violation of State ADU Law. The City must amend the Ordinance to remove this requirement.

14. Section 2.26.100 F.9. – *Allowed Stories* – The Ordinance states, “No ADU subject to this subsection may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under Subsection 2.26.100 (E)(2)(d) of this section.” However, State ADU Law allows heights of 16, 18, 20, or 25 feet, when certain conditions are met.³ Although the City may place limits on the height of ADUs consistent with State ADU Law, the City cannot place limits on the number of stories an ADU has. Therefore, the City must amend the Ordinance to remove this restriction.
15. Section 2.26.100 G.1. – *Impact Fees* – The Ordinance states, “No impact fee is required for an ADU that is less than 750 square feet in size.” However, Government Code section 66311.5, subdivision (c) states, “A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit that has *750 square feet of interior livable space* or less or a junior accessory dwelling unit that has 500 square feet of interior livable space or less. Any impact fees charged for an accessory dwelling unit that has more than *750 square feet of interior livable space* shall be charged proportionately in relation to the square footage of the primary dwelling unit.” The calculation of the impact fee for an ADU is subject to the unit’s “square feet of interior livable space.” Therefore, the City must amend the Ordinance to specify this requirement.

The City has two options in response to this letter.⁴ The City can either 1) amend the Ordinance to comply with State ADU Law⁵ or 2) adopt the Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.⁶ If the City fails to take either course of action, or if HCD finds that the newly adopted Ordinance remains out of compliance with State ADU Law despite the City’s findings and explanations, to bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.⁷

³ Gov. Code, § 66321, subd. (b)(4).

⁴ Gov. Code, § 66326, subd. (b)(2).

⁵ Gov. Code, § 66326, subd. (b)(2)(A).

⁶ Gov. Code, § 66326, subd. (b)(2)(B).

⁷ Gov. Code, § 66326, subd. (c)(1).

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Reshma Sen at Reshma.Sen@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit