

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

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May 28, 2025

Kathy Pease, Planning Consultant
Management Advisory Services
City of Colfax
33 S Main St
Colfax, CA 95713

Dear Kathy Pease:

**RE: City of Colfax - Letter of Technical Assistance Accessory Dwelling Unit (ADU)
Ordinance Repeal Request**

HCD recently contacted the City of Colfax regarding its ADU Ordinance 555 (Ordinance) given the changes to State ADU Law since the adoption of the Ordinance on October 11, 2023. HCD has been informed that for now, the City intends to exclusively use State ADU Law to process ADU applications, and that they “may” update the Ordinance.

While HCD commends the City’s intention to process ADU applications in accordance with State ADU Law, that on its own does not satisfy the requirements of Government Code section 66326, subdivision (b). Please note that the City has two options in response to a non-compliant ordinance.¹ The City can either amend the Ordinance to comply with State ADU Law² or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.³

If the City wishes to utilize State ADU Law in lieu of adopting a compliant ordinance, then the City should repeal the outdated, noncompliant Ordinance to meet the standards of State ADU Law. Repealing the Ordinance would have the additional benefit of clarity for ADU applicants who may otherwise rely on an ordinance that is still included in the City’s Code of Ordinances but is not compliant with State ADU Law. Public-facing materials such as fact sheets and webpages should match State ADU Law or must be removed.

¹ Gov. Code, § 66326, subd. (c)(1).

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

³ Gov. Code, § 66326, subd. (b)(2)(B).

HCD thanks the City for its efforts in better understanding state law and for the spirit of partnership that has guided its communications with HCD. HCD welcomes any other opportunity to further assist the City in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder, of our staff, at Mike.VanGorder@hcd.ca.gov.

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
Senior Housing Accountability Manager
Housing Policy Development Division