

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

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March 24, 2026

Minye Pak, Chief of Development Services
Development Services
City of Los Angeles
201 N. Figueroa St, Suite 1030
Los Angeles, CA 90012

Dear Minye Pak:

**RE: City of Los Angeles – State Accessory Dwelling Unit Law (ADU) – Letter of
Technical Assistance**

On August 14, 2025, the California Department of Housing and Community Development (HCD) issued a Letter of Technical Assistance¹ to the City of Los Angeles (City) providing guidance on the combination of units allowable under Government Code sections 66311.7 (formerly 66322) and 66323. Since the issuance of that letter, the City has requested further clarification and guidance to better assist ADU and junior accessory dwelling unit (JADU) applicants seeking to legalize previously unpermitted ADUs and JADUs.

1. Contents of HCD's August 14, 2025, Letter

Section 66332 – Permitting Unpermitted ADUs

Government Code section 66332 was recently chaptered by AB 2533 (Chapter 834, Statutes of 2024) and provides a path to approval for unpermitted ADUs created before January 1, 2020. Section 66332, subdivision (a), states:

Notwithstanding any other law, and except as otherwise provided in subdivision (b), a local agency shall not deny a permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following:

- (1) The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1... the Health and Safety Code.

¹ HCD Letter of Technical Assistance to the City of Los Angeles, Aug. 14, 2025, available at <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/ordinance-review-letters/los-angeles-adu-ta-081425.pdf>.

(2) The accessory dwelling unit or junior accessory dwelling unit does not comply with this article or Article 3 (commencing with Section 66333), as applicable, or any local ordinance regulating accessory dwelling units or junior accessory dwelling units.

In addition, local agencies must approve the permits necessary to correct noncompliance with health and safety standards, and denials are allowed only when the local jurisdiction determines that the building is substandard.²

Section 66323 – Ministerial Approval of “State Exempt” Units

Government Code section 66323 contains four types of ADUs that must be ministerially approved, provided they meet the requirements of that section. This specific inquiry involves an existing multifamily dwelling, which is covered by section 66323, subdivision (a)(3), which requires a local jurisdiction to ministerially approve the following:

- (A) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- (B) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

Analysis

HCD understands that the City’s position on this issue is the following: Section 66323, subdivision (a)(3)(B) allows up to 25 percent “attached ADUs” within an existing multifamily dwelling. The ADUs that are legitimized under section 66332 are “attached ADUs.” If they meet or exceed the 25 percent limit, then the limit in section 66323, subdivision (a)(3)(B) is already met. If there is still a reserve to reach that 25 percent limit, the City would allow additional attached ADUs up to that limit. If the number of unpermitted ADUs exceeds the 25 percent limit, the City still allows them to be legitimized under section 66332, but the City asserts that there is no language in State ADU Law which allows a combination of the two sections.

While the City is correct that the statute does not explicitly address a combination of sections 66323 and 66332, section 66332 does not limit the number of ADUs that must be approved pursuant to that section, and neither section precludes the approval of ADUs pursuant to other parts of State ADU Law. In other words, approving ADUs pursuant to section 66323 does not mean that ADUs must not also be approved pursuant to section 66332, and vice versa.

² Gov. Code, § 66332, subds. (b) and (c).

The units that must be provided with a pathway to compliance through section 66332 are only those that were in existence before January 1, 2020, but there is no upper limit to that number in the statute. Therefore, State ADU Law requires the approval of any and all unpermitted ADUs through the provisions of section 66332 if they are habitable³ and if they meet the definition of an 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.”⁴

In addition, the unpermitted units in this situation were created out of existing *habitable* space – namely, portions of existing apartments. They are therefore not eligible under section 66323, subdivision (a)(3), which permits the conversion of *nonhabitable* space. In the July 27, 2025, email, the City uses the phrase “attached ADUs” as a citation to section 66323, subdivision (a)(3)(B). However, this is a term of art that does not appear in that section but does appear in several other parts of the statute. Instead, section 66323, subdivision (a)(3)(A) refers to “[m]ultiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space.” The reference to “within portions of existing” structures is distinct from “attached” ADUs.

2. Additional Clarification⁵ – Requested February 23, 2026

If the unpermitted ADUs were constructed within a “portion[] of [an] existing multifamily dwelling structure that [is] not used as livable space” (i.e., nonhabitable space), then those unpermitted ADUs would count towards the 25-percent limit of ADUs described under Government Code section 66323, subdivision (a)(3). HCD uses the original condition of the space to determine how ADU allowances are calculated. Therefore, if an unpermitted unit was built in space that was originally nonhabitable, it may count toward the 25-percent allowance under Government Code section 66323, subdivision (a)(3).

Government Code section 66311.7 (formerly section 66332) does not distinguish between attached and detached ADUs; it simply applies to any unpermitted ADU or JADU. If an unpermitted ADU legalized under section 66311.7 is detached, it may count toward the number of detached ADUs allowed under section 66323, subdivision (a)(4). For example, if a lot with an eight-unit multifamily building contains six unpermitted detached ADUs that are legalized under section 66311.7, the applicant may construct two additional ADUs under section 66323, for a total of eight ADUs on the lot.

³ Gov. Code, § 66311.7, subd. (b).

⁴ Gov. Code, § 66313, subd. (a).

⁵ The October 14, 2025, letter reproduced above this section references Government Code section 66332, which was renumbered as of January 1, 2026, to section 66311.7. These two citations refer to the same text.

However, units that must be legalized under section 66311.7 cannot be limited by the maximum unit counts in section 66323. A unit legalized through section 66311.7 may count toward the totals in section 66323, but section 66323 cannot be used to prevent a unit from being legalized under section 66311.7.

Conclusion

HCD appreciates the opportunity to provide technical assistance to the City. Please feel free to contact Mike Van Gorder at Mike.VanGorder@hcd.ca.gov if you have any questions or need additional assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Candelaria".

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit