

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

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January 20, 2026

Remi Mendoza, Principal Planner
Long Range Planning
City of Sacramento
915 I Street
Sacramento, CA 95814

Dear Remi Mendoza:

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

Thank you for submitting the City of Sacramento's (City) ADU Ordinance No. 2024-0051 (Ordinance), adopted December 10, 2024, to the California Department of Housing and Community Development (HCD). As the Ordinance does not include all the language relevant to ADU Governance, HCD has reviewed section 17.228.105 of the Municipal Code and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Municipal Code 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 February 20, 2026.

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. Section 17.228.105 A – *Unit Format Combination* – The Municipal Code outlines units subject to local development standards (and thus Government Code section 66314) as being a different category from those subject to section 66323; it then states, "The two options may not be combined," restricting developable options to only one format of ADU.

However, restricting lots to one format is inconsistent with State ADU Law. Section 66317 states that a permitting agency “shall either approve or deny the application to create or serve” an application subject to section 66314, which subdivision (d)(3) states may be “either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.” Since the statute mandates that a local agency “shall approve or deny” an application under section 66314, while also requiring that “a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following” under section 66323, the City must amend its Ordinance to allow the full allotment and combination of both 66314 and 66323 units.

3. Section 17.228.105 B.2.c.iii – *Street Side Setback* – The Municipal Code states, “All accessory dwelling units must comply with the street side-yard setbacks applicable to the lot on which the accessory dwelling unit is located.” However, “Street side-yard” is not a term that appears in State ADU Law. The City must adopt an ordinance that applies only “front”, “side” and “rear” yard setbacks.
4. Section 17.228.105 B.2.c.iii.1 – *Front Setback* – The Municipal Code states, “If any portion of an accessory dwelling unit is within 60 feet of the front property line, the accessory dwelling unit must comply with the front-yard setback requirements applicable to the lot on which the accessory dwelling unit is located...” It later allows a unit within the front setback if either “The lot area in the rear and side yards does not permit the construction of a detached accessory dwelling unit that is two stories in height and at least 800 square feet; and (b) The lot area in the rear and side yards does not permit the construction of a detached accessory dwelling unit that is two stories in height and at least 800 square feet; and (b) The lot area in the rear and side yards does not permit the construction of an attached accessory dwelling unit that is at least 800 square feet.” However, units created subject to Government Code section 66323 may not be precluded by local development standards such as front setback requirements. The City must note the exception.
5. Section 17.228.105 B.2.c.3.b - *Owner Occupancy* – The Municipal Code states, “Unless owned by a government agency, land trust, or housing organization, the property owner must reside onsite.” However, as of January 1, 2026, Government Code section 66333, subdivision (b) states that a local JADU ordinance must, “If the junior accessory dwelling unit has shared sanitation facilities with the existing structure, 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.” The City must adopt an ordinance to require owner occupancy only if sanitation facilities are shared with the primary dwelling.

6. Section 17.228.105 C.1.d – *Multifamily Unit Allowance* – The Municipal Code allows, on a lot with a multifamily primary dwelling, “Not more than two [detached] accessory dwelling units”. However, Government Code section 66323, subdivision (a)(4)(A)(ii) requires “On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.” The City must provide for allowances of up to 8 detached ADUs on lots with existing multifamily primary dwellings.

The City has two options in response to this letter.¹ The City can either adopt a new ordinance to amend the Municipal Code to comply with State ADU Law² or adopt the existing 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.³ If the City fails to take either course of action and 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.⁴

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 Mike Van Gorder at mike.vangorder@hcd.ca.gov if you have any questions.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

¹ Gov. Code, § 66326, subd. (c)(1).

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

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

⁴ Gov. Code, § 66326, subd. (c)(1).