New State Laws Make ADU/Second Unit Construction Easier Than Ever Before

2019 has been another big year for state legislation intended to make it easier for homeowners to build a second unit (ADU) on their property. Listed below are some of the key highlights from bills that have been approved this year (many within the past week). All of the following laws take effect on January 1st, 2020.

**AB 670 (Friedman):** Homeowners associations cannot ban ADUs or JADUs, regardless of any existing rules doing so. HOAs can set reasonable design guidelines for ADUs and JADUs.

**AB 68 (Ting) / AB 881 (Bloom) / SB 13 (Wieckowski):** The following is added to state law, and will override any local city rules to the contrary:

- **One detached ADU and one JADU will be allowed by right on a single-family lot**. The JADU can have a full kitchen.
- **There will be no minimum lot sizes for ADUs.**
- **No setback will be required if the ADU is the conversion of an existing structure at the property line.**
- **Must allow units with a size up to 800 sf that follow building construction standards (no lot coverage, floor area ratios or open space requirements can reduce this minimum)**. **Units under 800 sf can be 16 feet tall and can have a setback of four feet on the side and rear of the unit.**
- **Cities have 60 days to review a permit application.** As before, ADU permits are “ministerial,” so there is no public hearing and they just check if it meets the rules.
- **No replacement parking for the main house is required if you convert a garage.**
- **No parking is required for an ADU, period, if it is within a half mile walk of transit.**
- **No impact fees on ADUs less than 750 sf**, if larger than 750 sf, impact fees must be proportional to main house.
- **ADUs that receive building permits between 1/1/2020 and 12/31/2024 are exempt from owner occupancy rules.**
- **Mandatory 5-year stay of enforcement on unpermitted ADUs if they meet health and safety standards.**
- **No short-term rentals of ADUs or JADUs.**
- **ADUs will be allowed in multi-family and mixed-use zones. ADUs will be allowed in multifamily buildings- up to 2 detached ADUs, plus allowing for the conversion of uninhabited spaces for multiple ADUs (up to 25% of units in multifamily buildings).**

If you have been waiting on further ADU streamlining to start your project, it can’t get any better than this. These rules remove the most common zoning barriers to second unit construction and significantly reduce the costs of these units. For up to date information on the latest in second unit regulation, please sign up for updates at [https://secondunitcentersmc.org/subscribe](https://secondunitcentersmc.org/subscribe).

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1. These new rules will not override local coastal plan rules, so may not apply to unincorporated areas of the Coastside.
2. A JADU is an ADU made from interior space in a house and is under 500 sf. Unlike a regular ADU, the addition of a separate bathroom for the unit is optional.
3. Note: There is some internal inconsistency in the bills with 800 sf and 850 sf being mentioned in different places.