

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2127 (Johnson) – As Amended April 6, 2026

SUBJECT: Accessory dwelling units: private sewage disposal systems

SUMMARY: Prohibits local governments from prohibiting the construction of new accessory dwelling units (ADUs) in an area solely because the lots are served by private sewage disposal systems. Specifically, **this bill:**

- 1) Provides that a local agency shall not prohibit an ADU in an area solely because the lots are served by private sewage disposal systems rather than a public sewer system.
- 2) Prohibits a local health officer from withholding approval based on a minimum lot size requirement if the private sewage disposal system meets the operating requirements established by the State Water Resources Control Board (SWRCB), as specified, for that lot size.
- 3) Prohibits a local health officer from requiring the installation of a new or alternative system as a condition of approval if an existing private sewage disposal system is verified to be functioning properly and has the capacity to serve the additional load of an ADU, as determined by a qualified professional, based on the operating requirements established by the SWRCB for that lot size, unless there is specific, substantial evidence that the existing system creates a present risk to public health or water quality.
- 4) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

EXISTING LAW:

- 1) Allows a local agency to adopt an ordinance to provide for the creation of ADUs in areas zoned for single-family or multifamily residential uses. Requires, among other requirements, the ordinance to do the following:
 - a) Requires a local agency that does not provide water or sewer services to consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where ADUs may be permitted.
 - b) Provide that ADUs do not exceed the allowable density for the lot upon which the ADU is located, and that ADUs are a residential use that is consistent with the existing general plan and zoning designation for the lot.
 - c) Requires the ADU to comply with local building code requirements that apply to detached dwelling as described in the California Building Code, unless the building official or enforcement agency of the local agency makes a written finding based on substantial

evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety.

- d) Requires an ADU to receive approval by the local health officer where a private sewage disposal system is being used, if required. (Government Code § 66314)
- 2) Requires the SWRCB in consultation with State Department of Public Health, the California Coastal Commission, the California Conference of Directors of Environmental Health, counties, cities, and other interested parties to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems in the state and apply those regulations or standards commencing six months after their adoptions. These regulations or standards include but are not limited to all the following:
- a) Minimum operating requirements that may include siting, construction, and performance requirements.
 - b) Requirements for onsite sewage treatment systems adjacent to impaired waters identified pursuant to the Clean Water Act, as specified.
 - c) Requirements authorizing a qualified local agency to implement those requirements adopted under existing law governing onsite sewage treatment systems within its jurisdiction if that local agency requests that authorization.
 - d) Requirements for corrective action when onsite sewage treatment systems fail to meet the requirements or standards.
 - e) Minimum requirements for monitoring used to determine system or systems performance, if applicable.
 - f) Exemption criteria to be established by regional boards.
 - g) Requirements for determining a system that is subject to a major repair. (Water Code § 13291)

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Author's Statement and Bill Summary.** According to the author, "For too long, rural homeowners have been denied the right to build ADUs due to an inconsistent patchwork of local septic regulations and arbitrary lot-size mandates that ignore modern engineering. AB 2127 removes these barriers by ensuring that if a septic system works and meets state environmental standards, a homeowner can build. By shifting the permitting process from discretionary judgment to objective, evidence-based standards, we are providing rural families with the same housing opportunities as their urban counterparts. This bill protects our groundwater while removing the \$40,000 infrastructure barriers that have stalled rural housing production for a decade."

Under this bill, a local agency can not prohibit an ADU in an area under its ADU ordinance solely because the lots are served by private sewage disposal systems rather than a public sewer system. This bill prohibits a local health officer from withholding approval of an ADU

based on minimum lot size requirements if the private sewage disposal systems meets the operating requirements established by SWRCB for that lot size. A local public health officer is also prohibited from requiring the installation of a new or alternative system as a condition of approval if an existing private sewage disposal system is verified to be functioning properly and has the capacity to serve the additional load of an ADU for that lot size, unless there is specific, substantial evidence that the existing system creates a present risk to public health or water quality.

This bill is sponsored by the author.

- 2) **A Short History on ADUs and Junior ADUs (JADUs).** The Legislature has long identified ADUs, also known as second units, in-law apartments, or “granny flats,” as a valuable form of housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below-market prices within existing neighborhoods. In 1982, the Legislature first provided a framework for local governments to enact ordinances that permit the construction of ADUs, while preserving local government flexibility to regulate the units as necessary. When fewer ADUs than anticipated were developed, the Legislature significantly amended ADU law to address some of the barriers property owners encountered while trying to develop them (AB 1866, Wright, 2002).

Legislators have enacted a flurry of changes to ADU laws in recent years. Beginning in 2016, the Legislature revised ADU laws to address some of the barriers to ADU creation that local governments had adopted (SB 1069, Wieckowski and AB 2299, Bloom). These changes prohibited local ordinances from banning ADUs and required a local agency to, among other provisions:

- a) Designate areas within the jurisdiction where ADUs may be permitted.
- b) Permit ADUs that do not exceed various zoning requirements set in statute, such as minimum lot sizes and distances from property lines (“setbacks”).
- c) Limit parking to one space per ADU.
- d) Approve or disapprove an application for an ADU ministerially without discretionary review if the local government does not have an ADU ordinance when it receives a permit application.
- e) Approve building permits to create an ADU ministerially if the ADU is within an existing residence, has independent exterior access, and meets certain fire safety requirements.

These bills also limited the cases when local agencies could require new utility connections for water and sewer, and limited those fees to be proportionate to the burden created by the ADU. AB 2408 (Thurmond, 2016) also allowed local agencies to adopt an ordinance regulating JADUs, which are smaller ADUs under 500 square feet, are contained entirely within an existing single-family residence, and may or may not have separate sanitation facilities. In 2017, the Legislature clarified portions of the law (SB 229, Wieckowski and AB 494, Bloom).

In 2019, the Legislature expanded on many aspects of ADU law through three bills: SB 13

(Wieckowski), AB 68 (Ting), and AB 881 (Bloom). The most significant provisions of these bills:

- a) Require local governments to allow ADUs to be at least 800 square feet.
- b) Require local governments to allow one ADU and one JADU on a single-family parcel.
- c) Allow up to two detached units on the same site as an existing or proposed multifamily dwelling and the ministerial creation of multiple ADUs within the portions of existing multifamily buildings, as specified.
- d) Exempt ADUs under 750 square feet from impact fees and require impact fees for larger ADUs to be proportional to the square footage of the primary unit.
- e) Give HCD enforcement authority over ADU ordinances.

Next, in 2022, the Legislature made further changes to many aspects of ADU law through two bills: SB 897 (Wieckowski) and AB 2221 (Quirk-Silva). The most significant provisions of these bills:

- a) Increase the minimum height for ADUs to 16 feet for most ADUs.
- b) Require a permitting agency to approve or deny an application for an ADU or JADU within 60 days of receiving it. If a permitting agency denies an application, it must return in writing a full set of comments on how the application can be remedied.

In 2023, the Legislature permanently prohibited local governments from requiring owner-occupancy for ADUs (AB 976, Ting) and authorized local governments to adopt ordinances that permit property owners to sell or otherwise convey their ADU separately from the primary residence (AB 1033, Ting).

Most recently, SB 477 (Committee on Housing, 2024) was chaptered as an urgency measure to relocate and renumber ADU statutes to make them clearer and more readable. SB 1211 (Skinner, 2024) increased the allowable number of detached ADUs on a lot with an existing multifamily dwelling from no more than two to eight, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling. AB 2533 (Carrillo, 2024) extended and expanded an existing ADU amnesty program. In 2025, AB 1154 (Carrillo) removed owner occupancy requirements from JADUs, if the JADU has sanitation facilities that are separate from the existing structure.

- 3) **ADUs and Private Sewage Disposal Systems.** Existing ADU law permits local agencies to require approval by a local health officer for ADUs served by private sewage disposal systems, reflecting that septic capacity and groundwater protection are legitimate public health concerns. In many rural and semi-rural areas, septic constraints are not theoretical. Systems may be aging, undersized, or located in areas with poor soil or high groundwater, and cumulative impacts can affect drinking water quality and surface water. Under current law, local agencies retain authority to apply objective health and safety standards and to deny or condition an ADU where a system is not functioning properly, lacks sufficient capacity, or would pose a risk to public health or water quality.

- 4) **Arguments in Support.** None on file.
- 5) **Arguments in Opposition.** None on file.
- 6) **Double-Referral.** This bill is double-referred to the Assembly Housing and Community Development Committee, where it passed on a 12-0 vote on April 15, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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