

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

|                   |                                   |       |        |
|-------------------|-----------------------------------|-------|--------|
| Policy Committee: | Housing and Community Development | Vote: | 12 - 0 |
|                   | Local Government                  |       | 10 - 0 |

Urgency: No      State Mandated Local Program: Yes      Reimbursable: No

**SUMMARY:**

This bill specifies a local government may not prohibit an accessory dwelling unit (ADU) in an area solely because the lots are served by private sewage disposal systems.

Specifically, this bill:

- 1) Prohibits a local government from prohibiting an ADU in an area solely because the lots are served by private sewage disposal systems rather than by 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 (State Water Board) pursuant to the Water Code 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 by a qualified professional to be functioning properly and has the capacity to serve the additional load of an ADU, as specified, unless there is specific, substantial evidence the existing system creates a present risk to public health or water quality.

**FISCAL EFFECT:**

No state costs. Local costs are not reimbursable by the state because cities and counties have general authority to charge and adjust planning and permitting fees as necessary to cover administrative costs.

**COMMENTS:**

- 1) **Purpose.** 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. [This bill] 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.

- 2) **Background.** Existing ADU law permits local agencies to require approval by a local health officer for ADUs served by private sewage disposal systems. Because septic systems may be aging, undersized, or located in areas with poor soil or high groundwater, existing law allows local agencies to apply objective health and safety standards and to deny or condition an ADU where a septic system is not functioning properly, lacks sufficient capacity, or would pose a risk to public health or water quality.

According to the author, in practice, some local standards, particularly minimum lot size requirements tied to septic systems, can function as a proxy for land use regulation by effectively limiting where ADUs are feasible, even where a septic system may otherwise be capable of supporting additional load.

This bill clarifies that septic-related review must be grounded in objective, site-specific health considerations by prohibiting ADU denial based on minimum lot size where the system meets State Water Board standards and limiting the ability to require system replacement where an existing system is functioning properly and has adequate capacity. The bill preserves local authority to deny or impose conditions where there is substantial evidence that a system cannot safely accommodate an ADU or would create a risk to public health or water quality.

**Analysis Prepared by:** Jennifer Swenson / APPR. / (916) 319-2081