
SENATE COMMITTEE ON HOUSING
Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No:	AB 956	Hearing Date:	6/10/2026
Author:	Quirk-Silva		
Version:	5/27/2026 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Hank Brady		

SUBJECT: Accessory dwelling units and junior accessory dwelling units.

DIGEST: This bill requires local agencies to ministerially approve two detached, new construction Accessory Dwelling Units (ADUs) on a lot with an existing or proposed single-family dwelling.

ANALYSIS:

Existing law:

- 1) Defines an ADU as 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 must 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 on.
- 2) Defines a Junior ADU (JADU) as a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- 3) Requires a local agency to ministerially approve an application to develop one attached or one detached ADU and up to one JADU on a lot with an existing or proposed single-family dwelling.
- 4) Establishes, within the Davis-Stirling Common Interest Development Act, rules and regulations governing the operation of common interest developments (CIDs) and the respective rights and duties of a homeowners' associations (HOA) and its members. Requires the governing documents of a CID, and any amendments to the governing documents, to be adopted through HOA elections in accordance with specified procedures.

- 5) Deems void and unenforceable any covenant, condition, or restriction (CC&R) contained in any deed, contract, security instrument, or other instrument affecting the transfer of, or any interest in, real property, and any provision of the CID governing documents, that effectively prohibits or restricts:
- a) Installation of a solar energy system.
 - b) Installation or use of a video or television antenna.
 - c) Installation of low-water using plants, artificial turf, and other synthetic surface that resembles grass.
 - d) Installation or use of an EV charging station within the owner's unit or designated parking space.
 - e) Display or affixation of one or more religious items on any entry door frame to a dwelling.
 - f) Construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of existing law regarding ADUs and JADUs.
- 6) Establishes Density Bonus Law (DBL), which requires local governments to grant a density bonus when an applicant for a housing development, defined as a development containing "five or more residential units, including mixed-use developments," seeks and agrees to construct a project that will contain a specified percentage of affordable units.

This bill requires a local agency to ministerially approve an application to develop up to two detached ADUs and up to one JADU on a lot containing an existing or proposed single-family dwelling, and clarifies that CC&Rs in CID governing documents apply on a lot zoned to allow single-family developments.

Background

ADUs/JADUs. ADUs, also known as mother-in-law units or granny flats, are additional living spaces that have a separate kitchen, bathroom, and exterior access independent of the primary residence; ADUs may be attached or detached from the primary residence. A JADU is a unit of up to 500 square feet within the primary residence. ADU/JADU law has evolved over the years to lower barriers to ADU development, which has resulted in a surge in ADUs built in California. SB 1069 (Wieckowski, Chapter 720, Statutes of 2016) and AB 2299 (Bloom, Chapter 735, Statutes of 2016) permitted ADUs by-right on all residentially-zoned parcels in the state. By permitting an ADU as a second unit on all single-family lots, these laws effectively doubled their allowed density. According to the Department of Housing and Community Development (HCD), between 2016-2023, the number of

ADUs permitted annually in the state grew from 1,336 to 26,924, a 20-fold increase. In 2023, ADUs comprised more than 21% of all homes permitted statewide.

CIDs and Restrictions on CID Governing documents. A CID is a form of real estate in which each homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in common-area property. Condominiums, planned unit developments, stock cooperatives, community apartments, and many resident-owned mobilehome parks all fall under the umbrella of CIDs. There are more than 50,000 CIDs in California comprising over 4.8 million housing units, or approximately one-quarter of the state's housing stock. CIDs are governed by HOAs. The Davis-Stirling Common Interest Development Act provides the legal framework under which CIDs are established and operate. In addition to the requirements of the Act, each CID is governed according to the recorded declarations, bylaws, and operating rules of the association, collectively referred to as the governing documents.

With respect to allowable activities within a CID, state law generally defers to CID governing documents; however, there are several cases where the law imposes limits on CID authority. For example, existing law deems void and unenforceable any CID governing provision that effectively prohibits any of the following:

- a) Installation of a solar energy system by an HOA member;
- b) Installation of low-water using plants, artificial turf, or other synthetic surface that resembles grass;
- c) Installation of an EV charging station; or
- d) Construction or use of an ADU.

Comments

- 1) *Author's Statement.* "AB 956 is a critical step toward addressing California's housing crisis by making it easier for families to build the housing they need. Too many families are trapped by outdated restrictions when they need space for aging parents, adult children, or essential rental income. This bill cuts through the red tape and ensures that more Californians can access flexible, affordable housing options. The future of our communities depends on solutions like this: expanding housing, keeping families together, and ensuring every Californian has a place to call home."
- 2) *ADUs, JADUs, duplexes and urban-lot splits.* Existing law requires local agencies to allow up to four units to be developed on most single-family parcels across the state; specifically, SB 9's duplex provisions when used in concert with ADU law and JADU law, require a local agency to allow up to four units

(a duplex, and two ADUs) on an existing or proposed parcel that is only zoned to allow the development of one single-family dwelling. SB 9 also requires a local agency to allow a property owner to subdivide a single-family parcel and create two units on each parcel (either a duplex, or a primary dwelling and an ADU/JADU). This configuration also allows up to four units to be built on an existing single-family parcel, but it spreads the units across two newly subdivided parcels. The urban-lot split provisions of SB 9 specify that a local agency is only required to allow a total for two units on any parcel created through an urban-lot split. This limitation means that the statutorily imposed upzoning of existing single-family parcels cannot be used to create more than four units per original parcel, thus avoiding the potential for an SB 9 development or ADU law to trigger DBL which applies to projects that include five or more units. This bill, in allowing two detached ADUs, could allow an existing single-family lot to be developed with five units (a primary dwelling, an attached ADU, an attached JADU, and two detached ADUs) potentially triggering DBL.

- 3) *ADUs as Residential units.* As previously noted, state laws adopted over the last decade led to a surge in ADU production in California. The increased production of ADUs can help alleviate the state's affordability crisis, as ADUs are typically smaller and more affordable. While the state lacks a comprehensive database on ADUs that are used as rentals, recent surveys suggest that a majority of leased ADUs are rented below the market rate.¹ However, while ADUs may generally be a more affordable type of rental unit, the percent of newly developed ADUs actually used as dwelling units is not known with certainty. Recent survey reports indicate that about 51% of California's new ADUs serve as rental units, and an additional 18% of ADUs provide rent-free housing to a relative or friend.² The ADUs in the survey that were not rented were primarily used for other functions such as a home office. The rental tenure of ADUs surveyed in California is consistent with prior surveys of ADU tenure in the Pacific Northwest, which also suggest that 51% of ADUs in that region were occupied as a primary residence and another 9% were used as extra space for residents of the primary residence on the property.³

The limited survey data suggests that policymakers can conservatively assume that half of new ADUs developed in California add to the supply of available units in the rental market. Another 10%-15% may indirectly reduce pressure on rental markets by providing low-cost or free housing for individuals (relatives

¹ Karen Chapple, Dori Ganetsos, and Emmanuel Lopez, *Implementing the Backyard Revolution: Perspectives of California's ADU Owners* (Berkeley, CA: UC Berkeley Center for Community Innovation, April 22, 2021), 15-16.

² *Ibid.*, 14.

³ Karen Chapple, Jake Wegmann, Farzad Mashhood, and Rebecca Coleman, *Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle, and Vancouver* (San Francisco: Urban Land Institute San Francisco and UC Berkeley Terner Center for Housing Innovation, April 2017), 17.

or friends of the owner of the primary residence) who would otherwise create additional demand for rental units. However, this second category of ADUs occupied as dwelling units may simply be serving an individual that would otherwise reside in the existing primary residence on that parcel if not for the ADU. Should this be the case, a portion of these units are simply making a living space more comfortable rather than supplying a new independent dwelling unit or reducing demand in the rental market.

- 4) *Clarifying ADU Law and Davis-Stirling.* This bill will clarify two items in ADU law related to HOAs. AB 670 (Friedman, Chapter 178, Statutes of 2019) voids any CC&R in a planned development that prohibits or unreasonably restricts the construction of an ADU on a lot zoned *for* single family development. According to the author of AB 670, that bill was intended to address the fact that “many HOAs have restrictions on what can or cannot be done with their dwelling units, including the ability to have a second unit or ADU.” The bill, as it was originally passed by the State Assembly, did not specify that its provisions applied to CC&Rs adopted by CIDs at all. Senate amendments clarified that the prohibitions applied to CC&Rs affecting any interest in a “planned development.” AB 670 also applies to lots that are zoned “for” single family development, rather than lots zoned “to allow” for single family development. In practice these two ambiguities can be interpreted to authorize CIDs to prevent the development of some ADUs. Additionally, for the CIDs that are required to allow the development of ADUs, the law could be read as specifying that these CIDs can prohibit ADUs on parcels that are zoned allow for more than one unit (even if only one unit exists on the parcel). This bill will specify that ADU law applies to any lot in a CID that allows single family development.
- 5) *Committee Amendments.* To maintain consistency with SB 9 and avoid triggering DBL, **the Committee may wish to consider amending the bill to specify that local agencies are not required to approve a JADU in conjunction with two detached ADUs.**
- 6) *Double Referral.* This bill is also referred to the Local Government Committee.

Related/Prior Legislation

AB 2005 (Ahrens, 2026) — Creates an alternative to the owner-occupancy provisions that apply to parcels created through and urban-lot split.

AB 670 (Friedman, Chapter 178, Statutes of 2019) — voids CC&Rs that prohibit or unreasonably restrict the construction of an ADU on a single family parcel.

AB 976 (Ting, Chapter 751, Statutes of 2023) — removed the "sunrise" provision of SB 13, and thus permanently removed the ability for local governments to require owner-occupancy of the units on a parcel with an ADU.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 3rd, 2026.)

SUPPORT:

California Apartment Association
California Yimby
East Bay for Everyone
South Pasadena Residents for Responsible Growth
Zillow Group

OPPOSITION:

Equitable Land Use Alliance (ELUA)
League of California Cities
Rural County Representatives of California (RCRC)

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